
RESPONSE TO PUBLIC COMMENT TO THE AFTERSCHOOL CHILD CARE PROGRAM PROPOSED REGULATIONS

Rule #	Public Comment	Response	Final Rule
Foreword		Corrected the punctuation and grammar.	
Table of Contents		Updated the table of contents page numbers and to reflect changes in the document.	
Section 1	SECTION 1 – This should be retitled to read INTRODUCTION, so that the format is more consistent with other regulations.	Agree - change name of section Introduction.	ASP SECTION 1 – LAWS THAT GOVERN LICENSUREINTRODUCTION
1.1	1.1 – Should be titled LEGAL AUTHORITY TO REGULATE and the information in the purpose section should be moved up to this sections so that all sets of regulations are aligned. Remove the last sentence in 1.1 .These regulations amend and replace Children’s Day Care Licensing Regulations for School Age Care....This is no longer applicable.	Added a label - "Effective dates" Addressed comment from rule 1.3 about provisional license and coming into full compliance. The statement about replacing the January 1 st , 2016 regulations is needed and will not be changed.	1.1 <u>Effective Dates:</u> These regulations will go into effect for all Afterschool Child Care Programs with a current license on September 1, 2016 and for all Afterschool Child Care Program initial applications for licensure received on or after September 1, 2016. Current Staff will be required to meet Staff qualifications in these rules as of January 1, 2017. All Staff hired after January 1, 2016 shall meet the qualifications stated in these rules at the time of hire. <u>Licensees who hold a current license to operate an Afterschool Child Care Program on September 1, 2016, may be issued a Provisional License if they are unable to come into full compliance with these rules by January 1, 2017, at the discretion of the Division, and if the requirements in the rules 18.19 through 18.23 of these regulations are met.</u> These regulations amend and replace Licensing Regulations for Afterschool Child Care Programs (January 1, 2016).
1.2	All of 1.2 should be deleted as it is no longer accurate. Align with other regulations: Title it purpose. Insert statement that is consistent with other regulations.	Updated the language in this rule cite the correct statutes and clarify the language.	1.2 Legal Authority to Regulate Service: The legal basis for these regulations is found in 33 V.S.A. § 306(b)(1) and 3502. <u>Legal Authority to Regulate Service:</u> <u>A person shall not operate a child care facility without a license unless exempted under 33 V.S.A. § 3502. The legal authority for these regulations is 33 V.S.A. §§ 105(b) and 3502.</u>
1.3	1.3 should be moved and changed to Effective Dates, and this is where the time for staff to become compliant can be added. Consistent with other regulations.	This is addressed in 1.1 - Add language to 1.1 about the opportunity for a program to working on full compliance to be	

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		issued a provisional license. No change in this rule.	
1.5	<p>Rule 1.5 is specific to the statute which has changed and no longer includes exemptions for dance classes, etcetera. In the proposed center based and family home rules, the exemptions for dance classes, etcetera have been maintained as part of the Division's policies. I think this should either be added to Rule 1.5 or added as its own rule like Rule 1.6 to the Afterschool regulations.</p> <p>1.5.d. – There is an extra space between the words from and kindergarten.</p> <p>Insert into ASP Rules recreation program exemption criteria that have been kept and inserted into CBCCPP Rules. Recreation programs that provide services that: • Operate less than four (4) hours per day and not more than thirteen (13) weeks a year for children ages three (3), four (4) and five (5) years old; • Operate for not more than thirteen (13) consecutive weeks for children that have completed Kindergarten or will reach six (6) years of age by September 1st of the year enrolled; • Operate for not more than four (4) hours one (1) day per week or not more than two (2) hours two (2) days per week; or • Operate to provide a single skill based activity for children ages four (4) years or older.</p>	<p>Updated the language in this rule to correct the language and to ensure that it is consistent with other Vermont child care regulations.</p>	<p>Exemptions:</p> <p>The following facilities shall be exempt from licensure under 33 V.S.A. § 3502(b):</p> <p>1.5.a. — A person providing care for children of not more than two families other than that of the person providing the care.</p> <p>1.5.b. — A hospital or establishment holding a license issued by the Department of Health, or a person operating a program primarily for recreational or therapeutic purposes, unless the hospital, establishment or person provides services for the care, protection and supervision of children not incidental to its primary purpose in which case subsection (a) shall apply to those non-incidental additional services.</p> <p>1.5.c. — Child care facilities operated by religious organizations for the care and supervision of children during or in connection with religious services or church sponsored activities.</p> <p>1.5.d. — An Afterschool Child Care Program that serves students in one or more grades from kindergarten through secondary school that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the Agency of Education, unless the Afterschool Child Care Program asks to participate in the Child Care Financial Assistance Program.</p> <p><u>The following facilities that operate for less than twenty-four hours per day shall be exempt from licensure under these rules:</u></p> <ul style="list-style-type: none"><u>• Child care provided for children of not more than two families other than that of the person providing care;</u><u>• A hospital or establishment holding a license issued by the Department of Health, or a person operating a program primarily for recreation or therapeutic purposes, unless the hospital, establishment, or person provides services for the care, protection, and supervision of children not incidental to its primary purpose;</u>

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			<ul style="list-style-type: none"> • <u>Child care facilities operated by a religious organization for the care and supervision of children during or in connection with religious services or church sponsored activities;</u> • <u>An afterschool program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers Program, and that is overseen by the Agency of Education, unless the afterschool program asks to participate in the Child Care Financial Assistance Program; and</u> • <u>Recreation programs that provide services that operate:</u> <ul style="list-style-type: none"> • <u>Less than four hours per day and not more than thirteen weeks a year for children ages three, four and five years old;</u> • <u>For not more than thirteen consecutive weeks for children that have completed kindergarten or will reach six years of age by September 1st of the year enrolled;</u> • <u>For not more than four hours one day per week or not more than two hours two days per week; or</u> • <u>To provide a single skill based activity for children ages three years or older.</u>
Section 2			
2.1	2.1 – Administrative Review – Delete this definition. This is not a phrase or description that is used. Add Commissioner’s Review if you feel it’s necessary.	Delete this definition. Commissioner’s Review is defined in the appropriate rule.	2.1 — ADMINISTRATIVE REVIEW — A review of an action taken by the Division by the Commissioner or designee. Also referred to as a Commissioner’s Review.
2.2		Renumbered rule based on deletion of proposed rule 2.1	2.21 AFTERSCHOOL ACTIVITY SPECIALIST – A person who participates in or contributes to the program curriculum on a short-term basis, no more than thirteen consecutive weeks, to lead single special subject instruction or demonstration, and is not considered a regular member of the program Staff. An Afterschool Activity Specialist does not count in staff/child ratios and shall not be left alone with children.
2.3		Renumbered rule based on deletion of proposed rule 2.1	2.32 AFTERSCHOOL CHILD CARE PROGRAM ADMINISTRATOR – An Afterschool Child Care Program Administrator is responsible for the overall management of the program in accordance with these regulations. A Program Administrator supervises multiple Staff and may

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			provide direct care to children. When providing direct care, a Program Administrator may also serve as the Site Director and count in staff/child ratios.
2.4		Renumbered rule based on deletion of proposed rule 2.1	2.43 AFTERSCHOOL CHILD CARE PROGRAM – A program licensed by the Division whose services are designed to provide school age children (see definition of School Age Child) with developmentally appropriate experiences before school, after school, and during school vacations.
2.5		Renumbered rule based on deletion of proposed rule 2.1	2.54 AFTERSCHOOL CHILD CARE PROGRAM STAFF – Afterschool Child Care Program Staff implements programming for children. He/she may supervise other Staff. An Afterschool Child Care Program Staff person counts in staff/child ratios.
2.6		Renumbered rule based on deletion of proposed rule 2.1	2.65 AFTERSCHOOL SITE DIRECTOR – An Afterschool Site Director is present on site at the program, responsible for compliance with regulations on a day-to-day basis, and supervises multiple Staff and may provide direct care to children. An Afterschool Site Director counts in staff/child ratios when providing direct care to children.
2.7	2.7 – The second sentence...An Aide may be counted in staff/child ratios. ...This needs to be deleted and the following added as the last sentence of the definition: An Aide counts in staff/child ratios. This will align all descriptions of staff persons in the definition sections, by having that information be the last sentence and by using the same language.	Moved the second sentence to the end of the definition for clarity. Renumbered rule based on deletion of proposed rule 2.1	2.76 AIDE – An Aide is sixteen-years or older who assists in the implementation of the program under the supervision of Afterschool Child Care Program Staff. An Aide may be counted in staff/child ratios. Aides ages sixteen and seventeen shall not be out of eye-sight or ear shot of an Afterschool Child Care Program Staff person. <u>An Aide may be counted in staff/child ratios.</u>
2.8		Renumbered rule based on deletion of proposed rule 2.1	2.78 APPLICATION – The official documentation required by the Division which, when completed and signed by the applicant, is a request for a child care license.
	Add a New Definition: BFIS	Added a definition for Bright Futures Information System (BFIS)	<u>2.8 BRIGHT FUTURES INFORMATION SYSTEM - Referred to as “BFIS” in these regulations, means the web-based information and management system used by the Division to communicate with child care and education providers and parents. It is used to manage processes, actions, documents and information related to: child care and early education licensing; the qualifications and professional development experiences of early childhood and afterschool professionals; and Child Care Financial Assistance Program and other payments.</u>

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	Add a new Definition: Capacity	Added a definition for capacity	<u>2.9 CAPACITY - The total number of children allowed to be present at any one time as approved on the license.</u>
2.9	2.9 Define “Child” using the language that is in statute: 33 VSA 3511(1) “Child means an individual under 13 years of age.	<p>The definition of “child” applies also to leaders in training and volunteers under the age of sixteen. The language of this rule has not changed.</p> <p>Renumbered rule based on additions and deletions in section 2.</p>	2. 9 <u>10</u> CHILD – Person who has not yet reached the age of sixteen years.
2.10		Renumbered rule based on additions and deletions in section 2.	2. 10 <u>11</u> CHILD CARE – The developmentally appropriate care, protection and supervision of children which is designed to ensure wholesome growth and educational experiences in a child care facility outside of children’s homes for periods of less than twenty-four hours a day.
2.11		Renumbered rule based on additions and deletions in section 2.	2. 11 <u>12</u> CHILD WITH SPECIAL NEEDS – A person under the age of nineteen years of age who is eligible for special education services in accordance with an Individualized Education Plan (IEP), Individualized Family Support Plan (IFSP), or 504 Plan and who is not capable of safely caring for him/herself; or (b) A person who is age thirteen or older who has a documented physical, emotional, or behavioral condition that precludes the person from providing self-care or being left unsupervised, as verified by the written report of a physician, licensed psychologist, or court records.
2.12	2.12 Define “Cleaning” using the same language that is in other regs.	<p>Updated the definition of cleaning to provide clarity.</p> <p>Renumbered rule based on additions and deletions in section 2.</p>	2. 12 <u>13</u> CLEANING – <u>The removal of all dirt and debris by washing with a detergent solution in accordance with the manufacturer’s directions.</u> The removal of all dirt and debris by scrubbing and washing with a detergent solution and usually rinsing with water.
2.13		Renumbered rule based on additions and deletions in section 2.	2. 13 <u>14</u> COMMISSIONER – Commissioner of the Department for Children and Families or his/her designee.

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2.14	Define “Conditions” using the same language of other regs.	Updated the definition of cleaning to provide clarity. Renumbered rule based on additions and deletions in section 2.	2. 14 <u>15</u> CONDITIONS OF THE LICENSE – Requirements that shall be met in order to retain a license. A time limited requirement to which the licensee shall achieve compliance prior to the completion date listed on the license certificate.
2.15	Define “Confidentiality – consistently other regs.	Updated the definition of cleaning to provide clarity. Renumbered rule based on additions and deletions in section 2.	2. 15 <u>16</u> CONFIDENTIALITY – the protection of personal information, including health information from persons who are not authorized to see or hear it. The protection of personal information from persons who are not authorized to see or hear it.
2.16		Renumbered rule based on additions and deletions in section 2.	2. 16 <u>17</u> CORPORAL PUNISHMENT – The intentional infliction of pain by any means for the purpose of punishment, correction, discipline, instruction or any other reason.
2.17		Renumbered rule based on additions and deletions in section 2.	2. 17 <u>18</u> CURRICULUM – A planned set of activities and experiences consistent with the developmental needs of school age children.
2.18		Renumbered rule based on additions and deletions in section 2.	2. 18 <u>19</u> DEPARTMENT – The Vermont Department for Children and Families (DCF).
2.19	Define “Developmentally Appropriate” – consistently other regs.	Updated the definition of cleaning to provide clarity. Renumbered rule based on additions and deletions in section 2.	2. 19 <u>20</u> DEVELOPMENTALLY APPROPRIATE – Practices grounded in research on how children and youth develop and learn. It means providing activities and interactions suitable to age and developmental status, as individuals and as a group, and providing support for each individual in attaining challenging yet achievable goals that contribute to his/her unique, ongoing development and learning. Such practice is responsive to the social and cultural contexts in which children and youth live. Activities and interactions that recognize and address each child’s needs, interests and abilities following predictable stages that affect physical, emotional, social, and cognitive growth of children and youth.
2.20		Renumbered rule based on additions and deletions in section 2.	2. 20 <u>21</u> DISCIPLINE – see GUIDANCE.

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2.21		Renumbered rule based on additions and deletions in section 2.	2.21 <u>22</u> DISINFECTING – To destroy or inactivate most germs on objects or surfaces. Disinfecting is appropriate for non-porous surfaces that will not be in contact with food or be mouthed by children.
2.22		Renumbered rule based on additions and deletions in section 2.	2.22 <u>23</u> DIVISION – The Vermont Department for Children and Families (DCF), Child Development Division (CDD).
2.23		Renumbered rule based on additions and deletions in section 2.	2.23 <u>24</u> FACILITY – The physical location, indoor and outdoor, where the Afterschool Child Care Program operates as a business or service on a regular or continuous basis whether for compensation or not.
2.24		Renumbered rule based on additions and deletions in section 2.	2.24 <u>25</u> FALL ZONE – The surface under which a child could be expected to land under and around a play structure or climbing equipment. May also be referred to as USE ZONE.
2.25		Renumbered rule based on additions and deletions in section 2.	2.25 <u>26</u> GROUP – The number of children who meet together regularly, who can be identified with one another as being distinct from the larger population of children present, and are assigned to a consistent Staff member or team of Staff members.
2.26		Renumbered rule based on additions and deletions in section 2.	2.26 <u>27</u> GUIDANCE – A developmentally appropriate process of guiding children to develop internal, self-regulating, and pro-social behavior through supportive, consistent use of strategies including modeling appropriate behavior, praise, active listening, setting limits, re-directing and modifying the environment.
2.27	Remove this definition	Delete this rule as the wording is not used in this set of regulations	2.27 — HIGHER EDUCATION COURSE — A three-credit course or equivalent from an accredited academic institution which could apply toward acquiring a post-secondary degree and/or other professional development.
	Add Human Service Board as definition	Added a definition for Human Services Board for clarity.	2.28 <u>HUMAN SERVICES BOARD - as defined in 3 V.S.A. § 3090-3091.</u>
2.28		Renumbered rule based on additions and deletions in section 2.	2.28 <u>29</u> INDIVIDUAL PROFESSIONAL DEVELOPMENT PLAN (IPDP) – A written personalized plan that includes assessment of core knowledge and skills specific to working in an Afterschool Child Care Program, a self-assessment, a defined timeline with a description of strategies, and resources to address professional plans and goals.
2.29		Renumbered rule based on additions and deletions in section 2.	2.29 <u>30</u> KINDERGARTEN – A one-year educational program designed to meet the needs of children who will attend first grade the following school year.

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2.30		Renumbered rule based on additions and deletions in section 2.	2.30 <u>31</u> LICENSE – An official document which certifies that a Licensee has been granted permission by the State of Vermont to operate an Afterschool Child Care Program in accordance with the laws and regulations of the Department.
2.31		Renumbered rule based on additions and deletions in section 2.	2.31 <u>32</u> LICENSED PROGRAM SPACE – Division approved indoor and outdoor areas where children may be present.
2.32		Renumbered rule based on additions and deletions in section 2.	2.32 <u>33</u> LICENSEE – The person, corporation or other legal entity named on the license certificate who has received permission to operate a child care program and is responsible for maintaining compliance with these regulations.
2.33	Define Northern Lights consistent with other regs.	Updated the language for clarity. Renumbered rule based on additions and deletions in section 2.	2.33 <u>34</u> NORTHERN LIGHTS CAREER DEVELOPMENT CENTER (NLCDC) – <u>Is Vermont’s professional development system for early childhood and afterschool professionals. A resource for early childhood and afterschool professionals that offers information about IPDP’s, credentials, and other professional development opportunities.</u>
2.34		Renumbered rule based on additions and deletions in section 2.	2.34 <u>35</u> PARENT – Parent means a birth or adoptive parent, legal guardian, foster parent, or any other person having responsibility for, or legal custody of, a child.
2.35	PNL – needs to be updated with the correct statute.	Updated the language for clarity and to cite the correct statute. Renumbered rule based on additions and deletions in section 2.	2.35 <u>36</u> PARENTAL NOTIFICATION LETTER (PNL) – <u>A written notification from the CBCCPP to the parent(s) of enrolled children, delivered securely, as required by 33 V.S.A. § 151(7) indicating that a staffing or serious health or safety violation has been identified by the Division. A written notification from the Licensee to the parent(s), sent by mail, as required by 33 V.S.A. § 306(7) indicating that a serious violation has been identified by the Division.</u>
2.36	Define Professional Development Activity consistent with other regs.	Updated the language for clarity. Renumbered rule based on additions and deletions in section 2.	2.36 <u>37</u> PROFESSIONAL DEVELOPMENT ACTIVITY – <u>Learning and support activities, designed in accordance with adult learning principles that prepare and enhance individuals in their work with children and their families and lead to improvements in practitioner knowledge, skills, and practices. Interactive activities based on adult learning principles which have clear learning objectives and are used to structure and assess the effectiveness of the professional development activity for the participants. When participants apply the new knowledge and skills learned in the professional development activity while working with</u>

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			children, their families, and the programs they attend, there is professional growth and development.
2.37		Renumbered rule based on additions and deletions in section 2.	2.37 <u>38</u> PROGRAM – All activities related to the provision of child care services.
2.38	Remove Ratio from definitions. They are inherently defined with the rules.	Deleted the definition as it is defined in the appropriate rule.	2.38 — RATIO — Refers to the maximum number of Staff and children in a group setting.
2.40	Define Revocation to be consistent with other rules.	Updated the language for clarity.	2.40 REVOCATION – <u>The formal licensing action of closing a license to operate an Afterschool Child Care Program due to serious violations, a pattern of non-compliance with these rules, and/or non-compliance related to statutes. An Afterschool Child Care Program may continue to operate while a decision of an appeal made to the Human Services Board is pending.</u> The Division’s formal act of invalidating a license to operate an Afterschool Child Care Program.
2.44	2.44 Serious Violation This definition should include that it's defined by statute or law.	Updated the language for clarity.	2.44 SERIOUS VIOLATION – <u>A violation of group size or staffing requirements or violations that immediately imperil the health, safety or well-being of children. Serious violations may also include corporal punishment, lack of supervision, or inappropriate physical or sexual contact. A violation of group size or of Staffing requirements, or a series of violations which immediately imperils the health, safety or well-being of children. Serious violations may also include corporal punishment, lack of supervision, physical or sexual abuse, or violations of health and safety requirements.</u>
2.45	2.45 – Remove this definition	Deleted rule – not needed to have “child with special need”	2.45 — SPECIAL NEEDS — see CHILD WITH SPECIAL NEEDS.
2.46		Renumbered rule based on additions and deletions in section 2.	2.45 <u>6</u> SPECIALIZED CHILD CARE – Child care provided by registered or licensed child care providers serving particular populations of high needs children and their families. This includes children involved with the Family Services Division, those with special physical, behavioral or developmental needs, or families experiencing significant short-term stress. A Specialized Child Care Provider is required to maintain a high quality, inclusive program, comply with all regulations, and obtain additional annual training in topics relevant to serving specialized needs of children or families. Specialized Child Care Providers provide the level of care necessary to meet the individualized needs of enrolled children.

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2.47		Renumbered rule based on additions and deletions in section 2.	2.4 67 STAFF – Persons who have direct responsibilities for the program’s operation and the health, safety, education and well-being of children, including Afterschool Administrator, Site Director, Program Staff, and Afterschool Aides counted in the staff/child ratio including Substitutes.
2.48	Add to Substitute Definition –counts in staff/child ratios. This will align all descriptions of staff persons in the definition sections, by having that information be the last sentence and by using the same language.	Updated the language for clarity. Renumbered rule based on additions and deletions in section 2.	2.4 78 SUBSTITUTE – <u>A staff member who is temporarily filling a position in a Afterschool Child Care Program due to the absence or lack of a regularly employed staff member.</u> An individual at least eighteen years of age performing duties of an absent Staff member on a temporary basis. Substitutes who have worked more than thirty days annually in the program are required to comply with the minimum requirements for the position they are filling. This individual has no set contract or schedule with the employer.
2.49		Renumbered rule based on additions and deletions in section 2.	2.4 89 SUPERVISION OF CHILDREN – The knowledge of and accounting for the activity and whereabouts of each child in care and the proximity of Staff to children at all times ensuring immediate intervention of Staff to safeguard a child from harm.
2.50		Renumbered rule based on additions and deletions in section 2.	2.4 950 SUPERVISION OF STAFF AND VOLUNTEERS – Performing monitoring and evaluation of Staff that includes the observation of Staff interaction with children, implementation of curriculum, adherence to program policies and procedures, and adherence to requirements established in these regulations.
2.51		Renumbered rule based on additions and deletions in section 2.	2.5 01 SUSPENSION – The Department’s formal act of immediately suspending or closing an Afterschool Child Care Program’s license to operate due to the immediate imperilment of the health, safety or well-being of a child.
2.52		Renumbered rule based on additions and deletions in section 2.	2.5 12 TERMS OF THE LICENSE – The location, number and ages of children, hours and days of operation, expiration date and any other conditions or limitations listed on the license certificate.
2.53		Renumbered rule based on additions and deletions in section 2.	2.5 23 VARIANCE – A Division approved exception to a regulation.
2.54		Renumbered rule based on additions and deletions in section 2.	2.5 34 VOLUNTEER – An unpaid person who assists with children but may not be alone with children nor count in the staff/child ratio. A volunteer who comes in more than three times per year is required to have a record check.
2.55	2.55 – This should say” This person is not counted as a staff member in the staff/child ratio.	Deleted the language about “no more than 3” as this is confusing, and rule	2.5 54 YOUTH VOLUNTEER OR LEADERS-IN-TRAINING - of thirteen to seventeen years of age and present at the program for a specific program purpose and directly supervised by Staff at all times. This person is not counted <u>as a staff</u> in the staff/child ratio.

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	2.55.b. – Does this contradict 5.24.b.? It's difficult to understand.	5.30 requires a one on one supervision which limits the program appropriately. Clarified rule 5.30 by changing this definition. Renumbered rule based on additions and deletions in section 2.	2.5 4 5.a. For sixteen and seventeen year-olds, supervision is in a ratio of one adult Staff for each volunteer and they do not count as a child in the staff/child ratio. 2.5 4 5.b. For thirteen, fourteen, and fifteen year olds, no more than 3 may be present when in a structured leadership training program and they do count as a child in the staff/child ratio.
Section 3			
3.3	This rule suggests that children are not able to be in any space that is not licensed by the Division, which limits far more than intended. If a gym is not actually licensed space, we would still allow children to use this space for activities etc. There used to be a rule (A7) that stated "The facility shall be used only for purposes of child care or child care training during the hours of operation." I think this rule should still apply and I don't see it anywhere in the proposed rules.	Changed the rule to clarify the intent of the rule.	3.3 — The Licensee shall ensure that children are only present in space that has been approved for occupancy by the Division from the licensing application during the program hours of operation. During the hours of operation, the facility shall be used only for the purposes of providing Afterschool Child Care Program services or training.
3.5	Rule 3.6 should also have a change in the Administrator position included in this rule. I thought the Division wanted to be notified of a change in leadership and with these new rules leadership includes the Administrator and may also include a director. There are programs in which there may only be an Administrator. I advocate for this rule to say "Administrator and/or Director."	This comment relates to 3.5 – the division approves management, and there can be one or more person in this rule. Changed the language to reflect this.	The Licensee shall notify the Division within 5 business days of any change or vacancy of the Site Director <u>and/or Program Administrator</u> position. If this position is not filled within 5 business days of the vacancy, the Licensee shall submit a written plan for interim coverage to the Division. A qualified replacement or interim plan approved by the Division shall be in place within thirty days from the date the position became vacant.

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3.10	ASP Rule 3.11.a isn't sufficient to address the various ways transportation may occur in an ASP. I would recommend language consistent with the proposed center based rules such as: "The program director shall ensure that written permission is obtained from parents prior to providing transportation to children. Parents shall also be notified when someone not employed by the program may transport their child. This written permission shall be retained in each child's file." AND "Written permission authorizing the CBCCPP to transport children home shall specify the address where the children shall be released and whether the child may be released without an authorized person present." AND "Written permission authorizing the CBCCPP to release a child to a transportation service not under the authority of this CBCCPP shall be noted as such within the written permission."	3.10.a – Updated the language for clarity 3.10.b – change to 3.10.c 3.10.c – change to 3.10.b and clarified the language.	A child shall be released only to persons authorized by the parent/guardian, except under the following circumstances: 3.10.a. <u>Written permission authorizing the Afterschool Child Care Program to transport children home shall specify the address where the children shall be released and whether the child may be released without an authorized person present.</u> when a child is transported home by the program, there shall be a written and signed agreement between the parent and the program regarding the transportation and drop off of the child by the program. 3.10.b. <u>Written permission authorizing the Afterschool Child Care Program to release a child to a transportation service not under the authority of this Afterschool Child Care Program shall be noted as such within the written permission.</u> a parent may choose to provide written, signed authorization instructing the program to release the child on her/his own at a specific time and date(s). 3.10.c. When an emergency request is made by a parent for the child to be picked up by someone not listed in the child's file, there shall be a system to verify the identity of both the parent caller and the person authorized to pick up the child. Staff shall document in writing emergency calls and information regarding the identity of the person authorized to pick up the child. 3.10.c. a parent may choose to provide written, signed authorization instructing the program to release the child on her/his own at a specific time and date(s).
	There used to be a rule (B13) that said "Written parental permission shall be acquired for field trips. Parents are to be notified in advance when vehicles are to be used. Parents may grant general authorization for walking field trips." New Afterschool Rule 17.1 addresses the written permission for transporting children. However, I think parents should continue to be giving written permission for field trips and I don't see this anywhere in the new Afterschool rules. Maybe adding this to	Added a rule about written permission for field trips. Language is from regulations revised in 1996 as suggested in the comment.	<u>3.11 Written parental permission shall be acquired for field trips. Parents are to be notified in advance when vehicles are to be used. Parents may grant general authorization for walking field trips.</u>

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	new Afterschool rule 3.3 would be an appropriate location.		
3.11		Renumbered the rule based on the addition of a new rule 3.11	3.1 21 Any person shall be prohibited from the facility when her/his presence or behavior disrupts the program, distracts the Staff from their responsibilities, intimidates or promotes fear among the children, or when there is reason to believe that her/his actions or behavior will present risk of harm to the children in the program.
3.12		Renumbered the rule based on the addition of a new rule 3.11	3.1 32 The Afterschool Administrator or Site Director shall obtain written parental permission prior to making professional referrals.
3.13		Renumbered the rule based on the addition of a new rule 3.11	3.1 43 A person who has a license to operate a child care facility shall not operate a family child care home. A person who operates a family child care home shall not operate a child care facility.
3.14	Delete	Has already been deleted – no change needed	
Section 4			
4.1	ASP Rule 4.1: Because this rule requires all records be kept for 1 year. I would remove sentences to this effect in other rules such as ASP Rules 4.4, 4.6, and 13.20.	Removed the 12 month language in rules 4.4 and 4.6 and 13.20. No changes made to this rule.	
4.4	4.4 Daily attendance records for each child...This sounds as if each child needs a separate attendance record. Please modify for clarity. 4.4: Daily attendance records for each child shall include the time children arrive and depart for each day the program is open and the date shall be noted on each page. These	Clarified the language of this rule and removed time period language based on comment in 4.1	<u>A system for taking attendance, including documentation of the time when each child arrives and departs each day he/she attends the Afterschool Child Care Program, shall be established.</u> Daily attendance records for each child shall include the time children arrive and depart for each day the program is open and the date shall be noted on each page. These records shall be maintained by the Licensee for a period of at least twelve months.

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	records shall be maintained by the Licensee for a period of at least twelve months. The last sentence isn't needed because of ASP Rule 4.1. This is redundant and in other ASP Rules this last sentence doesn't exist so it causes confusion.		
4.6	<p>4.6 This rule needs to be modified so that it is clear that if a parent requests the file the original can be given, but a copy must be maintained at that facility for one year. ...When a child is no longer enrolled, the date of the child's withdrawal shall be recorded in the child's file and noted on the attendance record. The child's enrollment file shall be maintained by the Licensee for a period of at least twelve months from the child's last date of attendance. Upon request of a parent, the original file shall be given to the parent within 5 business days and a copy of the child's file shall be maintained for the remainder of the period.</p> <p>ASP Rule 4.6: When a child is no longer enrolled, the date of the child's withdrawal shall be recorded in the child's file and noted on the attendance record. Upon request of a parent, the file shall be given to the parent within 5 business days. Otherwise, the child's enrollment file shall be maintained by the Licensee for a period of at least twelve months</p>	Clarified the language of this rule and removed time period language based on comment in 4.1.	<p><u>All documentation related to a specific child, required by these rules, shall be made available to the parent(s) of that child within five business days from the time of a request.</u>When a child is no longer enrolled, the date of the child's withdrawal shall be recorded in the child's file and noted on the attendance record. Upon request of a parent, the file shall be given to the parent within 5 business days. Otherwise, the child's enrollment file shall be maintained by the Licensee for a period of at least twelve months from the child's last date of attendance. After twelve months the file may be destroyed or returned to the parent. The child's file shall be made available for review by the child's parents during this period.</p>

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	from the child's last date of attendance. After twelve months the file may be destroyed or returned to the parent. The child's file shall be made available for review by the child's parents during this period. The wording of this rule is confusing. Does it really mean that the file will be given to parents or that a copy will be given? If records need to be maintained for 12 months per ASP Rule 4.1, then this rule should reference "and also keep a copy per rule 4.1" for clarity. The second to last line isn't needed. If the parents wanted a copy, they would have requested long before 12 months. I think the whole rule could be worded more clearly.		
4.7	<p>Rule 4.7 has a bullet regarding the Emergency Response Plan which is language specific to Rule 10.10. I think it would be clearer if this bullet also included language from Rule 10.11 which clarifies what needs to be in written form to parents as well.</p> <p>4.7 & 4.8: could these two rules be referenced in the guidance manual as to what should be included in the orientation</p>	<p>Added language to clarify rule 10.11.</p> <p>Incorporated language from rule 4.8, to provide clarity to the rules and reduce duplication.</p>	<p>4.7 The following written information shall be provided to parents, <u>and</u> prospective parents and Staff; for example, in a handbook or other format such as website access:</p> <ul style="list-style-type: none">• typical daily schedule• check-in and check-out attendance procedures• pick-up/drop-off policies; including releasing of children to authorized persons• description of the Afterschool Child Care Program which identifies the philosophy on goals for children and families• description of religious activities, if any• schedule of fees and payment plans• statement allowing parental access to the facility, their child's records and the Staff• explanation of program confidentiality policies• a policy regarding inclusion and exclusion of ill children in the Afterschool Child Care Program• <u>a policy regarding storage and administration of medications</u>• policies related to the inclusion of children with special needs and disabilities• policy regarding the reporting of suspected child abuse and/or neglect

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			<ul style="list-style-type: none">• policies for reporting a missing child• description of how to access and view these regulations and Division Afterschool Child Care Program information at: http://dcf.vermont.gov/cdd• requirements for maintaining accurate and up-to-date immunization records• offsite activity (field trip) policies• if offered, swimming activities policies• parent involvement opportunities• no smoking policy• relevant information about the program’s Emergency Response Plan including communication and meeting site information• <u>Procedure on what to do in the case of a general emergency such as a school closing, etc.</u>• policy regarding excluding persons whose presence is prohibited by these regulations• policy regarding use of pesticides as part of a least toxic integrated pest management policy• information concerning complaint procedures regarding the welfare of children and the Child Care Consumer Line telephone number
4.8	<p>Rule 4.8 has bullets that overlap with Rule 4.7. I think it would be clearer to understand if Rule 4.8 only had bullets for those items that are not already listed in Rule 4.7 and if there was language added to Rule 4.8 that said "the following bullets and items listed in Rule 4.7."</p> <p>4.7 & 4.8: could these two rules be referenced in the guidance manual as to what should be included in the orientation</p>	<p>Deleted rule 4.8 and moved the expectations to rules 4.7 and 5.31 as appropriate.</p>	<p>4.8—The Staff training plan shall ensure that the following information and procedures are reviewed with each Staff member:</p> <ul style="list-style-type: none">• record keeping, including daily attendance procedures• daily communication with parents about their child’s activities• storage and administration of medications• guidelines for volunteers• Emergency Response Plan and emergency procedures to include: staffing emergencies; school closings; evacuation plans such as site evacuations in case of national or environmental emergency; lock down procedures; responding to a sick or injured child and medical emergencies• off site activities (field trips)• child guidance• curriculum development policies and responsibilities• staffing plans and definition of related duties, including opening and closing procedures

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			<ul style="list-style-type: none">• employee complaint and grievance procedures• policies for reporting a missing child• Afterschool Child Care Program licensing regulations
4.9		Renumbered based on deletion of proposed rule 4.8	<p>4.98 Reports to the child’s parent shall be made in the following circumstances:</p> <p>4.98.a. for any incident where an injury or circumstance results in death or fatal injury of a child during the hours a child is in the Afterschool Child Care Program, the parent(s) shall be immediately notified.</p> <p>4.89.b. upon determination that a child may be lost or may have been abducted. The facility shall immediately notify the parent(s) of the child.</p> <p>4.89.c. for an incident regarding a child in an Afterschool Child Care Program who left the facility unattended or with an unauthorized person, the Licensee shall immediately notify the parent(s) and submit a written report in either hard-copy or printable, accessible electronic format to the child’s parent within twenty-four hours describing the circumstances.</p> <p>4.89.d. any incident where a child sustains an injury during the hours the child is in the Afterschool Child Care Program that requires the services of a medical professional, including a dentist, the parent(s) shall immediately be notified and the Licensee shall submit to the child’s parent(s) a written report describing the circumstances of the incident, either in hard-copy or printable, accessible electronic format, within twenty-four hours.</p> <p>4.89.e. any incident where a child is bitten by an animal while in attendance shall immediately be reported to the parent(s).</p> <p>4.89.f. when a child who is enrolled and expected in an Afterschool Child Care Program does not arrive as scheduled, and the parent has not informed the program of the child’s absence, the parent or authorized person for the child shall be contacted immediately.</p>

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4.10		<p>Renumbered based on deletion of proposed rule 4.8</p> <p>Updated the rule reference.</p>	<p>4.9<u>10</u> The Afterschool Child Care Program shall report to the Division:</p> <p>4.9<u>10</u>.a. Injury, illness or death of a child: The Afterschool Child Care Program shall make a timely report to the Division of any injury, illness or accident involving a child in care resulting in in-patient or out-patient medical or dental treatment or death. In the event of a death, a verbal report shall be made immediately followed by a written report within 24 hours. In the event of an injury, illness or accident resulting in in-patient or out-patient medical treatment, a verbal report shall be made within 48 hours and the written report shall be made within 5 business days.</p> <p>4.9<u>10</u>.b. The Afterschool Child Care Program shall immediately report any incident where a child is bitten by an animal while in care of the Afterschool Child Care Program. A report shall be made to the Division and the State Public Health Veterinarian at the Vermont Department of Health within 24 hours of the incident.</p> <p>4.9<u>10</u>.c. The Afterschool Child Care Program shall notify the Division in writing within 48 hours of any fire in the Afterschool Child Care Program that required the use of a fire extinguisher and/or the services of a fire department.</p> <p>4.9<u>10</u>.d. When it is determined that a child in care is missing or has been abducted from the program, the Afterschool Child Care Program or Staff shall immediately notify the police, the child’s parents and the Division.</p> <p>4.9<u>10</u>.e. Self-reported violations: If an incident or situation occurs in an Afterschool Child Care Program while children are in care that could be considered a Serious Violation as defined in rule 2.443 of these regulations, the Afterschool Child Care Program has a responsibility to self-report this to the Division within 24 hours of the incident. A complete report will include a description of the incident, what the Afterschool Child Care Program has done to verify the particulars of what occurred, and how the Afterschool Child Care Program has taken corrective action to ensure the safety and well-being of children and prevent a future Serious Violation. If such a report is received in a timely manner from an Afterschool Child Care Program with a history of consistent regulatory compliance, no child has been seriously injured or harmed as a result of the incident or situation, and the Afterschool Child Care Program has taken prompt and appropriate corrective action, the</p>

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			Commissioner or his or her designee may, on a case by case basis and at his or her discretion elect to issue a warning, rather than a violation related to that incident or situation.
4.12	4.12 – This language should be updated	<p>This comment seems to be related to the current rule verses the proposed rules. No change in language.</p> <p>Renumbered based on deletion of proposed rule 4.8</p>	4.1 02 The licensee and staff shall be informed of and have ready access to the twenty-four (24) hour Child Abuse Hotline maintained by the Department.
4.13		Renumbered based on deletion of proposed rule 4.8	4.1 13 The licensee and staff working with children are mandated reporters of child abuse and neglect pursuant to 33 V.S.A. §4913 and are required to report to the Child Abuse Hotline when they reasonably suspect abuse or neglect of a child. This report must be made within twenty-four (24) hours of the time information regarding the suspected abuse or neglect was first received or observed.
4.14		<p>Updated the rule reference.</p> <p>Renumbered based on deletion of proposed rule 4.8</p>	4.1 24 The licensee and staff shall understand that abuse and/or neglect of children is against the law and that all child care workers are legally required to report suspected child abuse or neglect as specified in the rule 4.1 13 of these regulations.
4.15		Renumbered based on deletion of proposed rule 4.8	4.1 35 The Licensee shall develop and implement a policy requiring all Staff to report suspected child abuse or neglect to the Department for Children and Families within 24 hours when there is reasonable cause to believe that a child has been abused or neglected.
4.16		Renumbered based on deletion of proposed rule 4.8	4.1 46 The Licensee shall ensure that they and all Staff receive training and demonstrate understanding of their legal responsibilities regarding preventing and reporting suspected child abuse and neglect.

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4.17		Renumbered based on deletion of proposed rule 4.8	4.1 57 The Licensee shall not discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation or take any other action detrimental to any Staff member because the Staff member filed a good faith report with the Department regarding suspicion of abuse or neglect of a child.
4.18		Renumbered based on deletion of proposed rule 4.8	4.1 68 The Licensee shall comply with Act One (2009) which requires licensed child care facilities to ensure that all individuals working at the facility receive an orientation, based on materials recommended by the Agency of Human Services and the Agency of Education, on the prevention, identification, and mandatory reporting requirements of child abuse, including child sexual abuse, signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse in and close to the home, and other predatory behaviors of sex offenders.
Section 5			
5.1	<p>5.1 - and 5.2 are not structured properly so that they can be properly cited within a report if needed. 5.1 through 5.1c, perhaps need to be combined. Then the bullets each need to be assigned a number, since the bullets have been reserved for when there are numerous items needed for compliance. This is not one of those cases.</p> <p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont</p>	<p>Changed the a-c to part of the initial paragraph and keep bullets.</p>	<p>5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children shall meet or exceed the following qualifications:</p> <p>5.1.a. be at least eighteen years of age, and</p> <p>5.1.b. possess a BA or BS, and</p> <p>5.1.c. have one of the following:</p> <ul style="list-style-type: none"> • at least twenty months of experience working directly with school age children <u>or</u> • Vermont Afterschool Professional Credential <u>or</u> • Vermont Program Director Credential <u>or</u> • Vermont Teacher Licensure <u>or</u> • Master’s Degree in a youth-related field

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	Afterschool Professional Credential or • Vermont Program Director Credential or • Vermont Teacher Licensure or • Master’s Degree in a youth-related field		
5.2	<p>5.1 - and 5.2 are not structured properly so that they can be properly cited within a report if needed. 5.1 through 5.1c, perhaps need to be combined. Then the bullets each need to be assigned a number, since the bullets have been reserved for when there are numerous items needed for compliance. This is not one of those cases.</p> <p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or • Vermont Teacher Licensure or • Master’s Degree in a youth-related field</p>	Changed the a-c to part of the initial paragraph and keep bullets.	<p>The Afterschool Site Director for an Afterschool Child Care Program shall meet or exceed the following qualifications; <u>be at least eighteen years of age, possess a BA, BS or Associate’s degree, and</u></p> <p>5.2.a. — be at least eighteen years of age and</p> <p>5.2.b. — possess a BA, BS or Associate’s degree and</p> <p>5.2.c. have one of the following:</p> <ul style="list-style-type: none"> • at least 10 months direct work experience with school age children <u>or</u> • Vermont On-The-Job Training certificate <u>or</u> • Vermont Afterschool Professional Credential <u>or</u> • Vermont Program Director Credential <u>or</u> • Vermont Teacher Licensure • Master’s Degree in a youth-related field
5.3	<p>5.3: clarify that this is a staff member within their first year of employment</p> <p>The a, b, c, etcetera should be removed and</p>	Rule 5.3 applies at all times. Rule 5.4 speaks to	<p>5.3 Afterschool Child Care Program Staff shall meet or exceed the following qualifications:</p> <p>5.3.a. — be at least eighteen years of age and</p>

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	qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or • Vermont Teacher Licensure or • Master’s Degree in a youth-related field	what is required within the first year of employment. Changed the a-c to part of the initial paragraph and keep bullets.	5.3.b. have a high school diploma or equivalent.
5.4	<p>5.4 – This is not clear. It’s trying to say that a staff member must meet one of the following within a year of employment, but it almost sounds like it excludes someone if they have the qualifications prior to the year.</p> <p>5.4: clarify that this needs to be accomplished by their second year of employment or at hire</p> <p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly</p>	<p>Clarified the language of the rule to clarify this is required within the first year of employment.</p> <p>Removed the letters and changed to bullets.</p>	<p>Afterschool Child Care Program Staff that work in the Afterschool Child Care Program are required for one program year are required to have at least one of the following <u>within the first year of employment</u>:</p> <ul style="list-style-type: none">• 5.4.a. Vermont Afterschool Foundations Certificate <u>or</u>• 5.4.b. Vermont Afterschool Essentials Certificate <u>or</u>• 5.4.c. Vermont On-the-Job Training Certificate <u>or</u>• 5.4.d. Vermont Afterschool Professional Credential <u>or</u>• 5.4.e. Vermont Program Director Credential <u>or</u>• 5.4.f. Vermont Teacher Licensure <u>or</u>• 5.4.g. BA/BS or Associates degree

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	with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or • Vermont Teacher Licensure or • Master’s Degree in a youth-related field		
5.5	<p>5.5 – This is not clear and is confusing. There must be a simpler way to explain. B and C partly say the same thing; they both are supervised.</p> <p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or •</p>	Removed rule. 5.5.c as it is addressed in other areas of the regulations. Removed the lettering and created one paragraph to provide clarity to the rule.	<p>An Afterschool Aide that works in an Afterschool Child Care Program shall</p> <p>5.5.a.—be sixteen years or older <u>and</u></p> <p>5.5.b.—be in eye-sight or ear shot of an Afterschool Child Care Program Staff when the Aide is sixteen or seventeen years of age. There shall be one adult Staff member over the age of eighteen assigned to supervise no more than two Afterschool Aides age of sixteen or older. <u>and</u></p> <p>5.5.c.—work under the supervision of Afterschool Child Care Program Staff</p>

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	Vermont Teacher Licensure or • Master’s Degree in a youth-related field		
5.6	<p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or • Vermont Teacher Licensure or • Master’s Degree in a youth-related field</p>	<p>Removed the letters to provide clarity that this is one rule.</p> <p>Added language to rule to clarify the rule applies to the program, and is does not follow the individual.</p>	<p>A Substitute shall meet or exceed the following qualifications:</p> <p>5.6.a. be at least eighteen years of age <u>and</u></p> <p>5.6.b. if the person works more than thirty days in <u>the Afterschool Child Care Program in</u> a twelve-month period, shall comply with the minimum requirements for any position they are filling.</p>
5.7	<p>The a, b, c, etcetera should be removed and qualifications should be in paragraph format. Like this: ASP Rule 5.1 The Afterschool Child Care Program Administrator for an Afterschool Child Care Program or multiple numbers of Afterschool Child Care Programs for any number of children is at least eighteen years of age, shall possess a BA or BS, and shall have one of the following: • at least twenty months of experience working directly with school age children or • Vermont Afterschool Professional Credential or • Vermont Program Director Credential or •</p>	<p>Add a “c” based on the change in rule 5.30 to remove volunteers do not count as a staff in staff child ratio and move it to a more appropriate rule.</p>	<p>A Volunteer shall meet or exceed the following requirements:</p> <p>5.7.a. be a person sixteen years of age or older</p> <p>5.7.b. shall not be left alone with children other than his or her own.</p> <p>5.7.c. <u>shall not be counted as a staff in the staff/child ratio.</u></p>

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	Vermont Teacher Licensure or • Master’s Degree in a youth-related field		
5.8		Removed the 5.30.b and added to this rule based on the comment in 5.30, as it is a logical location for the information.	A Youth Volunteer or Leaders-in-Training shall be thirteen through seventeen years old and in a structured leadership training program. <u>When the volunteer is thirteen, fourteen, or fifteen years of age, they shall count as a child in the adult to child ratio.</u>
5.9		Moved rule 5.9.c to the rule 5.9.b for clarity.	An Afterschool Activities Specialist shall _: 5.9.a. be eighteen years or older <u>or</u> 5.9.b. be sixteen or seventeen years old and work under the supervision of a Staff member <u>and</u> 5.9.c. not be left alone with children.
5.10	5.10 – It appears that aides over the age of 18 can be alone with children because in 5.5 it only excludes if the aide is 16 or s17. 6.6 appears to contradict 5.10 unless something is changed about the afterschool aid. 5.10: Also add Aides who are at least 18 years old ASP Rule 5.10: Add “AS Aides 18 years or older” to this rule. This would make it explicitly clear that they may also be left alone with children.	Added language that this includes Afterschool Aides who are 18 years or older based on the suggestion.	Afterschool Administrators, Afterschool Site Directors, Afterschool Child Care Program Staff, <u>Afterschool Aides who are 18 years or older</u> , and Substitutes as defined in regulations shall be the only individuals who may be alone with children, other than the child’s parent.
5.11	5.11: define regularly	The definitions and rules about volunteers defines regularly. No change in wording.	
5.22	5.22: needs to match Appendix D (third, fifth and sixth bullet are changed or do not match the Appendix)	Added the language “as required” as the person	5.22 The Licensee shall maintain <u>a</u> hard copy or accessible electronic records for each Staff person, including: • start date

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	5.22 add: a list of the orientation training topics required in 5.31 and the date training was completed by the individual	<p>does not need it until the six months of hire.</p> <p>Corrected the grammar in the first sentence.</p> <p>Appendix D was deleted from the rules document.</p>	<ul style="list-style-type: none"> • job title • record of education, training, and experience that demonstrates how the Staff member meets the required qualifications for the position • signed and dated statement(s) indicating that the employee has read and understands the Licensing Regulations for Afterschool Child Care Programs • current and dated Individual Professional Development Plan (IPDP) • a copy of the current First Aid and CPR training cards from either the American Red Cross or American Heart Association or other recognized organization(s), <u>as required</u> • a signed and dated statement verifying understanding of the legal requirement • to report suspected child abuse or neglect.
5.23		The language was clarified based on comments in rule 5.22. This removes the requirement to use Appendix D which has been deleted, and allows for a simple notarized statement to address the intent of this rule.	<u>The licensee shall maintain a legally notarized affidavit onsite, signed by the licensee or designee, testifying that each staff file contains these records as required in the rule 5.22 of these regulations. The licensee shall permit representatives of the Division to have full access to off-site records to verify documentation.</u> In lieu of onsite Staff documentation for multi-site programs and school-operated programs, the Licensee shall maintain a legally notarized affidavit on site, signed by the qualified Afterschool Child Care Program Administrator, testifying that each Staff file contains all records required in Regulation 5.16 (see appendix D). The Licensee shall permit representatives of the Division to have full access to off-site records to verify documentation.
5.26	ASP Rule 5.20: Eliminate the a and b numbering and make all one paragraph. If the program was out of compliance with more than one element, would it be fair to cite it as two separate violations?	<p>Removed the separation of “a” and “b” in the rule.</p> <p>Moved to the initial paragraph for clarity.</p>	<p>A Program Administrator or Site Director shall designate an Afterschool Child Care Program Staff member to be responsible for program operation in the absence of the Site Director. The designated Afterschool Child Care Program Staff shall be able to maintain compliance to these regulations and have:</p> <p>5.20.a. the ability to supervise children and Staff; and</p> <p>5.20.b. the ability to solely conduct an emergency drill.</p>
5.30	5.30 – This entire rule is confusing and is difficult to understand what it is saying. It talks about supervision, then switches to staff child ratio. Says that volunteers shall not be counted in the staff/child ratio, and focuses on the staff aspect. . 5.24.a. then says they won’t	<p>Removed the second sentence and added to rule 5.7.</p> <p>Removed rule 5.30.a as it is not needed.</p>	<p>All volunteers engaged with the program shall be directly supervised by adult Staff in a ratio of one to one for each volunteer. Volunteers shall not be counted in the staff/child ratio and shall not be left alone with children. No more than one volunteer shall be supervised at any given time by one adult Staff with the following exceptions:</p>

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	be counted in the child ratio. 5.24.b. then says they will be counted and uses adult to child ratio. Not consistent or clear language.	Moved rule 5.30.b to rule 5.8 as a second sentence as it is a more logical location for the rule.	<p>5.30.a. Youth Volunteers or Leaders in Training who are sixteen or seventeen years of age present for a specific purpose at the program shall not count as a child in the staff/child ratio; and</p> <p>5.30.b. when the volunteer is thirteen, fourteen, or fifteen years of age, they shall count as a child in the adult to child ratio.</p>
5.31	<p>5.25 – This should read – Orientation training shall be conducted for every employee before they begin working with children. I can even support that it be changed to say “...before they begin working unsupervised with children.”</p> <p>ASP Rule 5.25: It would be clear to reference ASP Rule 4.7 and/or 4.8. Without this reference, it isn’t clear what the orientation shall include.</p> <p>5.31: refer to 4.7 & 4.8 as to what should be included in orientation (for transparency)</p> <p>Rule 5.31 references content of Rule 4.7. I think redundancy between these two rules should be eliminated by referencing Rule 4.7 in Rule 5.31 and only having bullets for any items not identified in Rule 4.7. Also, Rule 4.8 addresses training. How is this connected to Rule 5.31. Is Rule 4.8 covered between 4.7 and 5.31? Can any items in Rule 4.8 (not in Rule 4.7 or Rule 5.31) be added to Rule 5.31 and then delete Rule 4.8? I think this could and should be clearer regarding how these rules interconnect. Finally, I don't the language in Rule 5.31 that</p>	<p>Added language to clarify the intent of this rule is to be completed prior to being left alone with children, and that the individual could be hired by the organization before receiving this training.</p> <p>Incorporated language from rule 4.8 to ensure clarity and consistency.</p>	<p>5.31 Orientation training shall be conducted for every employee before they begin employment <u>are left alone with children</u>. This training shall be documented and shall cover material included in the Staff handbook and licensing regulations. Complete written information and the orientation training session shall include:</p> <ul style="list-style-type: none"> • Basic knowledge of child growth and development; • Routine and emergency health protection of children including health related exclusions; • Safety and sanitation requirements <u>including handling and storage of hazardous materials and disposal of bio contaminants</u>; • <u>Positive behavior management and child guidance</u>; • <u>Curriculum development policies and responsibilities</u>; • <u>Supervision of children</u>; • <u>Policies and procedures for reporting a missing child</u>; • Child accident and injury procedures <u>including building and physical premises safety</u>; • Safe sleep practices; • <u>Requirements for Administration and storage</u> of medication <u>requirements</u>; • Emergency and evacuation requirements <u>Response Plan and emergency procedures, including: staffing emergencies, school closings, evacuation plans such as site evacuations in case of national or environmental emergency, lock-down procedures, responding to a sick or injured child and medical emergencies</u>; • Use of fire extinguishers; • Nutrition and food safety <u>including prevention of and response to emergencies due to food and allergic reactions</u>;

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	says "and licensing regulations" at the end of the second sentence is needed. First, it isn't clear how much more needs from the licensing rules needs to be covered. Second, Rule 5.16 requires a signed statement from staff that they have read and understand licensing regulations so this language in Rule 5.31 is redundant.		<ul style="list-style-type: none"> • Recordkeeping, <u>including daily attendance procedures</u>; • <u>Transportation and child passenger safety</u>; • <u>Off-site activities (field trips)</u> • Release of children; • Respectful engagement of families, <u>including daily communication with parents about their child's activities</u>; • Preventing, recognizing, and reporting child abuse and neglect; including information about the signs and symptoms of sexual abuse, sexual violence, grooming processes, recognizing the dangers of child sexual abuse, and other predatory behaviors of sex offenders; • Recognition of and response to the symptoms of common childhood illnesses; • Preventing the spread of infectious disease; • Providing developmentally appropriate activities and experiences for children; • Inclusion of children with special needs; • Guidelines for volunteers, partner staff, auxiliary staff, and business managers; • Responsibility to comply with current applicable licensing regulations; • <u>Staffing plans and definitions of related duties to include</u> requirements to include opening and closing <u>procedures</u>; • <u>Afterschool Child Care Program licensing regulations</u>; • <u>Employee complaint and grievance procedures</u>; and • Assuring children have extra clothes and diapers available.
5.36	ASP Rule 5.30: Add "This training is in addition to any infant/child CPR certificate or recertification and First Aid Training." This clarity is important considering this sentence is used in training requirements for the AS Administrator / Director in ASP Rule 5.28 and for AS Program Staff in ASP Rule 5.29.	Added the language about this training being in addition to CPR and First Aid.	The Program Administrator or designee shall ensure a minimum of 4 hours of annual Professional Development Activities for new and returning Afterschool Aides related to the attainable goals defined in each Aide's Individual Professional Development Plan (IPDP). <u>This training is in addition to any infant/child CPR certificate or recertification and First Aid Training.</u>

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5.37	5.31 – I support deleting this rule. We really won’t have an ability to regulate this rule. We can’t spend our time, determining compliance to a thousand IPDP’s and identifying what age group of children they are working with. It’s covered by 5.30.	<p>This rule was written to clarify that staff are required to have receive training specific to the developmental level of the children they are working with. This set of regulations allow staff to have degrees in a variety of fields, many of which do not include training on child development or specific to school age. This rule allows staff to maintain up-to-date knowledge on the most appropriate practices for the ages which they are working.</p> <p>No change in wording.</p>	
5.39	<p>Insert new rule after 5.34 and add CPR training. It was left out of the last set of rules and will then align with the first aid rules such as 5.35</p> <p>There is no ASP Rule that requires all staff obtain infant/child CPR within 6 months of hire as ASP Rule 5.33 does for first aid. I think this rule should be added as a minimum requirement.</p>	<p>Added language to rule 5.39 about the need to acquire CPR.</p>	<p>Within six months of hire, all paid Staff counted in the staff/child ratios shall have obtained CDD-approved training in infant/child CPR and basic first aid for children, injury prevention and emergency readiness. All Staff shall receive retraining in first aid prior to the expiration date on each Staff person’s first aid card.</p>
Section 6			

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6.6	<p>6.6 This is covered repeatedly in other rules and doesn't speak to staff child ratios, which is the section it is located in.</p> <p>ASP Rule 6.6: This rule references 16 and 17yr olds but what about 13 – 15yr olds? I think 13 – 15yr olds needs to be included here.</p>	Delete this rule as it is covered in rule 5.5	6.6 — If an Afterschool Aide is age sixteen or seventeen, the Aide shall not be out of eyesight or earshot of an on-duty Afterschool Child Care Program Staff, Site Director, or Program Administrator.
Section 7			
7.2	ASP Rules regarding supervision: A rule should exist that prevents the buddy system from being used with the bathrooms. This is a location in which child on child sexualized play or exploration would be prone to occur. Also, many ASP are in buildings used by others so staff would not be able to ensure compliance with ASP Rule 11.20 unless they were to escort children.	<p>This rule was written to recognize the day to day activities of children and staff in school age environments, especially those based in elementary or middle schools.</p> <p>No change in rule.</p>	
7.4	7.4: confusing, should it read: "...shall a child exit the program unless accompanied by a parent..." The way it reads now it sounds like parents and/or authorized persons cannot take their children from the program.	Clarified the language in the rule.	After a child has checked into the program, under no circumstances shall a child exit the program un <u>unless</u> accompanied by a parent or authorized person with the exception of a child who has written parental permission to exit the program on his or her own at a specified time.
7.9	Delete 7.9 – Delete the extra word “NOT”. This is a typo.	This has been changed in the proposed rules. No change is needed	
Section 8			

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8.2	<p>8.2.a .through 8.2.f. These should all be bullets instead of numbered.</p> <p>ASP Rule 8.2.a-8.2.f should be bullets not numbers. Compliance should be assessed regarding whether several of these curriculum requirements are not occurring in order for a violation to be cited versus having them numbered and assessing compliance to each individual curriculum requirement.</p>	<p>Change to the separately lettered rules to bullets for clarity.</p>	<p>The program curriculum shall provide for the following activities every day:</p> <ul style="list-style-type: none">• 8.2.ainside and outside choices (weather permitting)• 8.2.bquiet and active choices• 8.2.cindividual and group activities• 8.2.dcognitive and physical opportunities• 8.2.echild-initiated and Staff-directed activities• 8.2.factivities that allow children to express themselves creatively: i.e. dramatic play, creative arts, etc.
8.10	<p>8.10 – Should read, movies rated PG, PG13.</p>	<p>These rules address programs who may care for children ages 5 year old and up.</p> <p>PG – Parental Guidance Suggested</p> <p><i>Some material may not be suitable for children.</i> Parents urged to give "parental guidance". May contain some material parents might not like for their young children.</p> <p>PG-13 – Parents Strongly Cautioned</p> <p><i>Some material may be inappropriate for children under 13.</i></p>	

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		Parents are urged to be cautious. Some material may be inappropriate for pre-teenagers No change in rule.	
Section 9	No comments		
Section 10			
10.9	ASP Rule 10.9: The second bullet requiring drills to be recorded should be in the introductory paragraph. Doing the drills monthly and recording them are the two fundamental requirements in this rule. I would also recommend including a bullet that states the drills should be completed in less than 3 minutes.	Added suggested language in rule.	Emergency evacuations shall be practiced with the children each month. <u>A record of practice drills for the previous and current year shall be maintained and available onsite</u> Practice drills may be pre-announced. There shall be: <ul style="list-style-type: none">• a system in place to assure that all children are accounted for at a predetermined safe place;a record of practice drills for the previous and current year maintained and available on-site; and• a safety plan that may include additional lock down practices and procedures.
10.10	ASP Rule 10.10: I recommend adding the word “written” in the first sentence before Emergency Response Plan so that it reads “a written Emergency Response Plan.” While written is implied later in the rule based on how some of the bullets are worded, it isn’t explicitly stated which may be a point of confusion.	Added the word “written”.	The Licensee shall assure that a <u>written</u> Emergency Response Plan (ERP) is developed and maintained at the facility. For Afterschool Child Care Programs located in public schools the Emergency Response Plan shall be in concert with the school’s preparedness or safety plan. <ul style="list-style-type: none">• All Afterschool Child Care Program Staff shall be aware of the location of the plan.• The plan shall be reviewed and updated annually.• Copies of the plan shall be sent to the Vermont Division of Emergency Management upon their request.• For programs located in public schools, the Emergency Response Plan shall• reflect relevant physical spaces of the school’s preparedness or safety plan.
Section 11			

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11.14	<p>11.14: include definitions in the guidance manual as to what is trash vs garbage and include where compost would fall. Does trash need to be covered or just garbage?</p> <p>ASP Rule 11.14: This rule is challenging for the many ASPs located in public school buildings who use large garbage bins with no lids and have minimal space provided for storing ASP supplies and materials. These are also school age children who shouldn't need to be protected from getting into garbage the way we would want to protect younger children especially infants and toddlers. Also the rule doesn't address recycling and composting which are becoming requirements in Vermont. Could the rule be deleted and a set of rules be added at the end of this section as follows: ASP Rule 11.20 Recycling, garbage, and compost materials shall be stored in a manner that does not attract insects, rodents, or other pests that pose a safety or health hazard for children. Recycling materials shall be rinsed. ASP Rule 11.21 Recycling items that pose a safety hazard for children such as metal cans shall be inaccessible to children. ASP Rule 11.22 Garbage, recycling and compost shall be removed daily from rooms used by children. ASP Rule 11.23 Garbage and recycling shall be removed from the premises on a regular basis but not less than once every fourteen (14) days. ASP Rule 11.24 Compost shall be removed from the premises on a regular basis but not</p>	<p>Updated the language to clarify the intent and to provide flexibility for garbage in a classroom that may be paper only.</p>	<p><u>The Licensee shall ensure garbage, recycling and compost is not allowed to exceed the limits of its container and is removed from rooms used by children at least once the container is full, if it develops an odor, or presents some other health or safety risk.</u>Garbage shall be stored in insect and rodent proof containers with secure fitting lids.</p> <p>Trash and garbage shall be removed from the building every day and removed from the premises at least every week.</p>

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	less than once every (7) days; unless a contained composter is constructed outside, away from where children play, and shall be maintained in a manner that does not pose any safety or health risks to children. ASP Rule 11.25 Children shall only access a contained composter that has been constructed outside under direct supervision of staff		
11.24	<p>11..24 Add – Air Dryer is acceptable. Lead and Asbesto’s section only speaks to Lead.</p> <p>ASP Rule 11.24 It would be helpful for the wording in this rule to include “properly functioning electronic hand dryers” as an option too.</p>	Added the suggested language.	Liquid soap and disposable paper towels, <u>or properly functioning electric air hand dryer</u> , shall be available and accessible to the children at each hand washing area.
<u>Lead and Asbestos Safe Facilities</u> 11.27 - 11.32	ASP Rules 11.27 – 11.32 are labeled Lead and Asbestos Safe Facilities but none of the rules under this label relate to asbestos. I think the ongoing expectation that asbestos safe practices be used when buildings display deterioration of walls, ceiling, flooring, and etcetera and when renovations are being completed should be included here. Does it make sense to also defer to AOE’s oversight in public school buildings regarding asbestos as has been done in the opening paragraph regarding lead?	<p>Added the language about Asbestos to this section</p> <p>No change in heading.</p>	

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		<p>Added a new rule 11.33 to move Asbestos from section 18 (initial licensure) to this more appropriate section.</p> <p>This change also aligns with the other child care regulations which removes the requirement to have an asbestos assessment upon initial licensure which can be a large expense for programs, but instead moves the requirement to when building materials have been disturbed or exposed.</p>	<p><u>11.33 Protection of Children from Asbestos:</u> <u>Prior to any renovation or remodeling of the Afterschool Child Care Program or if demolition, repair, maintenance, or other conditions in the Afterschool Child Care Program are observed that indicate building material that may contain asbestos has been disturbed or exposed, the licensee shall ensure that an assessment is performed by a person certified by the Vermont Department of Health in compliance with statutory and regulatory requirements of 18 V.S.A. Chapter 26 and the Vermont Department of Health's Regulations for Asbestos Control. The licensee shall ensure that any and all abatement recommendations made as a result of that assessment are followed. A copy of the assessment, which includes the recommendations and statement of compliance achieved, shall be submitted to the Division. Regulatory action may be taken on the basis of children potentially exposed to asbestos as a health hazard.</u></p>
11.33		Renumbered based on addition of a new rule 11.33	11.3 43 All plumbing shall comply with the applicable federal and state plumbing codes. Work notices shall be filed by a Master Plumber with the Fire Safety Division of the Vermont Department of Public Safety prior to beginning new construction or renovation of plumbing.
11.34		Renumbered based on addition of a new rule 11.33	11.3 54 An approved drinking water system serving at least twenty five persons daily shall provide a supply of water that meets applicable standards as defined by Department of Environmental Conservation.
11.35		Renumbered based on addition of a new rule 11.33	11.3 65 Water supply employing water haulage (tank truck haulage, containers, etc.) to the distribution system shall be used only in emergency situations and after approval is granted by the Division.
11.36		Renumbered based on addition of a new rule 11.33	11.3 76 Water from a public water system shall be in compliance with the applicable Department of Environmental Conservation regulations.

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11.37		Renumbered based on addition of a new rule 11.33	11.3 87 Private water systems shall be capable of furnishing an adequate supply of potable water at pressure necessary to sustain equipment during all hours of operation. A minimum residual pressure of twenty pounds per square inch is required during maximum draft at faucets.
Section 12			
12.2		Added the first sentence of 12.3 to 12.2 for logical placement of rule.	Furniture shall be appropriate for the size, abilities and activities of the children. <u>Furniture and equipment shall be clean, sturdy, without sharp edges, and present minimal hazards.</u>
12.3	12.3.a. – not sure why this has been tagged onto the end of 12.3, but it could stand alone.	Moved first sentence to rule 12.2. Rule 12.3.a has been changed to rule 12.3.	Furniture and equipment shall be clean, sturdy, without sharp edges, and present minimal hazards. 12.3- a- Indoor climbing structures that allow children to achieve a height of more than 30 inches shall have appropriate shock absorbing cushioned surfaces beneath them to protect children from injury in the event of a fall.
12.8	ASP Rule 12.8: I would recommend changing the wording to be the same as the proposed center based and family home regulations. “The program director shall be aware of extreme weather conditions such as excessive heat and humidity, cold temperatures including wind chill factors, or poor air quality that could affect the well-being or health of children. Children shall not be allowed to play outside during extreme weather conditions.”	Added the suggested language.	Children shall be provided with a variety of outdoor play experiences daily when weather and air quality conditions do not pose a significant health risk. Weather that poses a significant health risk shall include wind chill at or below zero degrees and heat index at or above ninety degrees Fahrenheit. <u>The Program Administrator or Site director shall be aware of extreme weather conditions such as excessive heat and humidity, cold temperatures including wind chill factors, or poor air quality that could affect the well-being or health of children. Children shall not be allowed to play outside during extreme weather conditions.”</u>
		Updated the reference in the rule.	12.13 All outside equipment, materials, furnishings and play areas shall be sturdy, safe, and in good repair and shall meet the recommendations of the U.S. Consumer Product Safety Commission (CPSC). (See Appendix BE).
12.14	12.14: add snow and ice as prohibited surfacing material	The last sentence includes snow and ice, and this is addressed already.	12.14 Cushioning material which is absorbent shall be in place under climbers, slides, swings, or other structures which allow children to achieve a height of more than thirty inches. The depth of surfacing materials shall be appropriate to the height and use of the equipment as outlined by the Consumer Product Safety Commission’s National Playground Safety Standards (see Appendix BE). Surfacing material shall be maintained

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		Updated the reference in this rule.	in good condition. Grass, bare ground, asphalt and concrete are prohibited under these structures. If weather conditions make the use of equipment unsafe, Staff shall keep children off of the equipment.
Section 13			
13.3	ASP Rule 13.3: I would recommend changing the language to read “Devises that diffuse or omit airborne chemicals such as anti-pest strips, ozone generators, plug-in air fresheners, nail polish, nail polish remover, and aerosol sprays shall not used in the ASP.” This would provide greater clarity.	Changed wording based on suggestion.	<u>Devices that diffuse or omit airborne chemicals such as anti-pest strips, ozone generators, plug-in air fresheners, nail polish, nail polish remover, and aerosol sprays shall not used in the ASP.”</u> Devices that constantly diffuse air borne chemicals that are harmful to humans are prohibited.
13.16	13.16: Is 18 VSA Chapter 39 included in the guidance manual?	This will be addressed in the guidance manual. No change to the rule.	
13.20	ASP Rules 13.20.a -13.20.b are separate from written documentation of medication administered and would make sense to be one rule numbered 13.21 and remember the ASP rules that follow. ASP Rules 13.20.c – 13.20.d are redundant with ASP Rule 13.17. I recommend deleting these two rules.	Removed 13.20.c and 13.20.d as it is a duplication of the rule 13.17. Removed letters as this is one complete rule.	The program shall maintain onsite a record of all prescribed medications given which include the name of the medication(s), date, dosage, and time given. These records shall be kept for a period of one year. All prescription medications shall be: 13.20.a. kept in the original containers; <u>and</u> 13.20.b. be clearly labeled with children’s name, dosage, medication name, and schedule of administration 13.20.c. kept out of the reach of children 13.20.d. readily available to specified Staff at all times.
		Created a new rule 13.21 to separate the record from the requirement about the medication container.	13.21 <u>The program shall maintain onsite a record of all prescribed medications given which include the name of the medication(s), date, dosage, and time given.</u>
13.21		Renumbered rule based on addition of a new rule 13.21	13.21–22 Written general permission for over-the-counter medications shall be obtained from parents for giving oral medication to a child. Parents shall be verbally notified before oral medications are given.

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13.22		Renumbered rule based on addition of a new rule 13.21	13.22–23 Prior to supervised application, written general permission shall be obtained from parents prior to the application of non-prescription medications and products, such as ointments, creams, sunscreens, tick and insect repellants, and other topically applied ointments and lotions. Such general permission shall be updated annually.
13.23		Renumbered rule based on addition of a new rule 13.21	13.23–24 Direct supervision is required for all topical applications applied by children.
13.24		Renumbered rule based on addition of a new rule 13.21	13.24–25 Pesticide applications shall be used only when other pest prevention and control measures fail. Pesticides shall not be used to control pests for aesthetic reasons alone. Whenever possible the Licensee shall use pesticides of least risk to children.
13.25		Renumbered rule based on addition of a new rule 13.21	13.25–26 All contracted pesticide applications shall be applied only by commercial applicators certified by the Vermont Department of Agriculture, Food and Markets.
13.26		Renumbered rule based on addition of a new rule 13.21	13.26–27 Only pesticides registered with the Vermont Department of Agriculture, Food and Markets shall be used.
13.27		Renumbered rule based on addition of a new rule 13.21	13.27–28 Parents of children and Staff shall be notified in writing prior to any planned application of pesticides. Notice shall include site of planned application, pest to be treated for, and proposed pesticide to be used.
13.28		Renumbered rule based on addition of a new rule 13.21	13.28–29 Application of pesticides shall only be made when children are not present. (For example: Friday afternoons in anticipation of children not being present over the weekend and to allow full ventilation after application.)
13.29		Renumbered rule based on addition of a new rule 13.21	13.29–30 Rodent baits shall not be used unless in childproof bait boxes. Bait boxes shall be inaccessible to children.
13.30		Renumbered rule based on addition of a new rule 13.21	13.30–31 Prior to pesticide application, a Staff person shall guide the certified applicator away from surfaces that can be touched or mouthed by children.
13.31		Renumbered rule based on addition of a new rule 13.21	13.31–32 The Licensee or Licensee’s Agent shall keep records of all pesticide applications. Records will include: the pesticide product name, EPA Registration Number,

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			amount used, dates of application, location of application and pests treated for. These records shall be available for inspection by parents and prospective parents during operating hours. (Sample Pesticide Recording Form available on the Division website).
13.32		Renumbered rule based on addition of a new rule 13.21	13. 32 – 33 The Licensee shall ensure that the use of tobacco and tobacco substitutes (including e-cigarettes), alcohol and illegal drugs is prohibited on the premises of the program (both indoor and outdoor environments) and in any vehicles used by the program at all times.
13.33		Renumbered rule based on addition of a new rule 13.21	13. 33 – 34 Program Staff, Activity Specialists and Volunteers shall not smoke or use tobacco or tobacco substitutes (including e-cigarettes) on or off the premises during the Afterschool Child Care Program’s paid time including break time.
13.34		Renumbered rule based on addition of a new rule 13.21	13. 34 – 35 Program Staff, Activity Specialists and Volunteers shall not use or be under the influence of alcohol or drugs during the Afterschool Child Care Program’s paid time including break time. Medication prescribed by a physician or over-the-counter medication that does not impair the ability of Staff to adequately supervise and care for the children may be taken.
Section 14			
14.1	<p>14.1 – Delete (as amended.)</p> <p>ASP Rule 14.1: How about removing the reference to Appendix B and the appendix altogether and just state compliance with CACFP meal pattern guidelines? A copy of the guidelines can be inserted in the ASP Guidance Manual.</p>	Delete the appendix reference and appendix itself.	Afterschool Child Care Programs shall follow the Child and Adult Care Food Program meal pattern guidelines on nutrition. (See Appendix B, as amended).

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14.3	14.3 – Believe there is an error in the chart. It should read 8 – 12 hours: 2 meals and 1 snack.	Corrected error in chart and made it 2 meals and 2 snacks when children are in care 12 hours.	Children shall receive meals and/or snacks according to the following:	
			# Hours Children are in Care:	Minimum Meals and/or Snacks that shall be served:
			12 hours	2 meals and 24 snacks
			8 - 12 hours	1 meal and 2 snacks or 2 meals and 2 snacks
			4 - 8 hours	1 meal and 1 snack
			4 hours or less	1 snack
			8-10 hours of night time care	2-3 snacks or meals if the child is present at standard mealtime hours.
14.7	14.7 – Delete. This is covered in 14.1.	Deleted rule	14.7 If powdered milk is used, it shall be used for cooking only.	
14.8	14.8 - Delete	Delete (and renumber 14.9 and 14.10)	14.8 This regulation has been intentionally deleted.	
14.9		Renumber the rule based on deletions of previous rules.	14.97 The Afterschool Child Care Program shall make an effort to accommodate special dietary requests only upon written authorization and direction from the child's parent(s), unless the parent has given written permission for the child to self-monitor their appropriate food intake.	
14.10		Renumber the rule based on deletions of previous rules.	14.108 Cider and milk, fluid milk products, ice cream and milk-based frozen desserts served at the facility shall be pasteurized.	
Section 15				
15.1	15.1: Is the Division seeking written documentation that meal sites have been approved by VDH?	Updated the language in the rule to clarify this approval comes from the division.	The Licensee shall ensure that all on-site meal preparation shall have approval by the Division. The on-site preparation of snacks only does not require approval by the Division. All food shall be transported, stored, prepared and served in a sanitary manner. All onsite food preparation and/or use of multi-service utensils shall have prior approval by the Vermont Department of Health.	
15.24	15.13 – Delete 15.25 – Delete – What does this really mean. We don’t regulate the kitchen facilities. Standard household dishwasher’s now reach 140 degrees.	Deleted rule	15.24 In an Afterschool Child Care Program serving twelve or fewer children, a standard household kitchen in good repair shall be acceptable. A standard household dishwasher is acceptable for washing dishes.	

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Section 16											
16.4	16.4 – The bullets should be removed and assigned numbers or incorporated into the main section.	Change bullets to a chart.	<div>The minimum ratio of Staff to children participating in a swimming activity shall be:<table><tr><th>Ratio</th><th>Age of Youngest Child in Group</th></tr><tr><td><u>1:10</u></td><td><u>8 years and older</u></td></tr><tr><td><u>1:8</u></td><td><u>6 and 7 years old</u></td></tr><tr><td><u>1:6</u></td><td><u>5 years old</u></td></tr></table><ul style="list-style-type: none">• 1:10 for children age 8 years and older• 1:8 for children age 6 and 7 years old• 1:6 for children age 5 years old</div>	Ratio	Age of Youngest Child in Group	<u>1:10</u>	<u>8 years and older</u>	<u>1:8</u>	<u>6 and 7 years old</u>	<u>1:6</u>	<u>5 years old</u>
Ratio	Age of Youngest Child in Group										
<u>1:10</u>	<u>8 years and older</u>										
<u>1:8</u>	<u>6 and 7 years old</u>										
<u>1:6</u>	<u>5 years old</u>										
16.5		Updated the language for consistency.	16.5 When lifeguards are on duty supervising the swimming area, they shall not be counted in the staff/child ratios for swimming as designated in <u>rule 16.4 of these regulations</u> .								
16.8	16.8 – The last bullet should read be kept on file at the licensed program facility with a copy available where swimming occurs.	Updated the language based on the suggestion.	<div>The Licensee or the Licensee’s designee shall develop a written aquatic safety plan addressing supervision and safety of all swimming activities. This plan shall:<ul style="list-style-type: none">• be reviewed annually• be updated as needed• be known by program Staff persons present at the swimming facility• include the location of the first aid and emergency supplies,<u>and</u>• be kept on file at the <u>licensed</u> program facility with a copy available where swimming occurs.</div>								
Section 17											
17.1	There used to be a rule (B13) that said "Written parental permission shall be acquired for field trips. Parents are to be notified in advance when vehicles are to be used. Parents may grant general authorization for walking field trips." New Afterschool Rule 17.1 addresses the written permission for transporting children. However, I think parents should continue to be giving written permission for	Updated the language to clarify the rule.	<u>The Program Administrator or Site Director shall ensure that written permission is obtained from parents prior to providing transportation of children. Parents shall also be notified when someone not employed by the program may transport their child. This written permission shall be retained in each child’s file.</u> Upon written permission from the parent, transportation may be provided for children.								

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	field trips and I don't see this anywhere in the new Afterschool rules. Maybe adding this to new Afterschool rule 3.3 would be an appropriate location.		
17.2	ASP Rule 17.2: It would be important to require a 17.2.a that says “When a vehicle is used to transport children that is not owned by the ASP, the program director shall obtain a written statement from the vehicle owner stating the vehicle is safe and in good repair. This documentation shall be kept on file at the ASP for 365 days.”	The intent of this rule addresses this concern. No change in language.	
17.3	<p>There are no ASP rules to this effect: “The licensee shall ensure that the driver, employed by the ASP, obeys all traffic laws.” AND “The licensee shall ensure that the driver, employed by the ASP, does not use a cell phone or text while driving. Should communication be necessary, the driver shall park the vehicle before using any hand held device.”</p> <p>I would also recommend that an ASP rule be added that says “The program director shall ensure that the driver of any motor vehicle, not employed by the ASP, who is transporting children, meets the requirements in the rules xx - xx of these regulations.”</p>	Added language to 17.3 to address these comments for all drivers – both employed by and not employed by the licensed program.	The operator of any motor vehicle who is transporting children shall hold a valid operator's license that is appropriate for that vehicle. <u>The Licensee shall ensure that the driver obeys all traffic laws.</u>

Rule #	Public Comment	Response	Final Rule						
17.6	17.6 – Remove bullets and assign numbers or incorporate into the main section.	Moved the bullets into a chart.	Staff/child ratios are as follows for transporting ambulatory children:						
			<table><tr><th>Number of Children</th><th>Number of Staff</th></tr><tr><td>1 – 6 children</td><td>1 Staff person (can be the driver)</td></tr><tr><td>7 - 13 children</td><td>2 Staff persons (can include the driver)</td></tr></table>	Number of Children	Number of Staff	1 – 6 children	1 Staff person (can be the driver)	7 - 13 children	2 Staff persons (can include the driver)
			Number of Children	Number of Staff					
			1 – 6 children	1 Staff person (can be the driver)					
			7 - 13 children	2 Staff persons (can include the driver)					
<ul style="list-style-type: none">• 1 – 6 children, 1 Staff person (can be the driver)• 7 – 13 children, 2 Staff persons (can include the driver)									
17.8	ASP Rule 17.8: I would recommend the wording in ASP Rule 17.8 be mirrored after recent language changes to the similar center based rule which reads “The program director shall ensure that when there are three (3) or more non-ambulatory children in the vehicle, there must be at least two (2) staff members present. When there are more than six (6) non-ambulatory children in the vehicle a one (1): four (4) staff/child ratio shall apply in addition to the driver.”	Replaced the language with the suggested wording.	<p><u>The Program Administrator or Site Director shall ensure that when there are three or more non-ambulatory children in the vehicle, there must be at least two staff members present. When there are more than six non-ambulatory children in the vehicle a one: four staff/child ratio shall apply in addition to the driver.</u>When there are three, four, five or six non-ambulatory children in the vehicle, there shall be at least two Staff present unless the vehicle is equipped with a two-way communication system linked to emergency backup services. When there are more than 6 non-ambulatory children in the vehicle a ratio of 1:4 shall apply.</p>						
17.11	ASP rule 17.11 is confusing. For example, does this rule apply with the program staff are using their personal vehicles to transport children on a field trip. It seems like the wording in this rule could be clearer	Delete this rule – addition to rule 17.3 address this rule.	<p>17.11 Private vehicles used to transport to or from school with fewer than eleven persons (including the operator) for compensation are considered school buses under Vermont State Law and therefore shall comply with operator licensing and equipment requirements of Title 23 of the Vermont Statutes Annotated.</p>						
Section 18									
18.1	18.1 – What does this mean? Century 21 programs are not required to be licensed.	Added language about 21 st Century Community Learning Centers Programs being exempt from being regulated.	<p>An agency, corporation, partnership or individual shall not operate or maintain an Afterschool Child Care Program unless issued a license to do so by the Division. <u>An afterschool program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers Program, and that is overseen by the Agency of Education is exempt from this rule, unless the afterschool program asks to participate in the Child Care Financial Assistance Program.</u></p>						

Rule #	Public Comment	Response	Final Rule
	Under Authority to Inspect - ADD A new regulation to 18 so that it's consistent with other sets of regs and provides a way to cite non-compliance if the program is not cooperative. It should read: The licensee, staff and representatives of the program shall not interfere with, impede, deter, provide false information or cause another to do any of the aforementioned, or in any manner hinder the Department or its agents(s) in an investigation or inspection.	Added the suggested language.	<u>18.6 The Licensee, Staff and Representatives of the program shall not interfere with, impede, deter, provide false information or cause another to do any of the aforementioned, or in any manner hinder the Department or its agent(s) in an investigation or inspection.</u>
18.6		Renumbered based on addition of the new rule 18.6.	18.6 <u>18.7</u> To qualify for a license, or a license renewal, an applicant or Licensee shall demonstrate to the satisfaction of the Division that the Afterschool Child Care Program and facility are in full or substantial compliance with these regulations.
18.7	18.7 – Delete this rule and replace with A license is valid only for the location listed on the license.	Updated language based on suggestion. Renumbered based on addition of the new rule 18.6.	18.7 <u>18.8</u> A license shall be issued only to the Licensee for the Afterschool Child Care Program for which the application is made and for the address of the program's actual site. <u>A license is valid only for the location listed on the license.</u>
18.8		Renumbered based on addition of the new rule 18.6.	18.8 <u>18.9</u> A license shall not be transferable, assignable or subject to sale.
18.9		Renumbered based on addition of the new rule 18.6.	18.9 <u>18.10</u> The Licensee shall post its current license to operate an Afterschool Child Care Program and a copy of the current Licensing Regulations for Afterschool Child Care Programs in a location where parents, Staff, and visitors can see and read them. A null and void or out- of-date license shall be immediately removed.
18.10		Renumbered based on addition of the new rule 18.6.	18.10 <u>18.11</u> A separate application shall be made for each Afterschool Child Care Program location.

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18.11		Renumbered based on addition of the new rule 18.6.	18.11 <u>18.12</u> When an Afterschool Child Care Program is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license shall immediately become null and void.
18.12		Renumbered based on addition of the new rule 18.6.	18.12 <u>18.13</u> If the Licensee chooses to voluntarily close the Afterschool Child Care Program, it is the responsibility of the Licensee to proactively contact the Division and surrender the license. Until and unless official notification has been submitted to the Division through the Bright Futures Information System (BFIS), or unless the Division has taken definitive action to suspend or revoke or deny renewal of a license, or unless and until the license has expired with no application for renewal, the Licensee shall be considered legally licensed and responsible for compliance with these regulations regardless of how many children are enrolled in care.
18.13		Renumbered based on addition of the new rule 18.6.	18.13 <u>18.14</u> The Division may deny the issuance or the re-issuance of a license if it has found that the applicant has not complied with these regulations or has demonstrated behavior that indicates an unwillingness or inability to care adequately for children.
18.14	18.14 – Reword the rule to say “The Division shall maintain the capacity to receive and respond to complaints from the public regarding regulated child care providers. Division Staff will assess every complaint received to determine if it pertains to rules set forth in these regulations.	Corrected the language in the rule, and renumbered it based on the addition of the new rule 18.6	18.14 <u>18.15</u> The Division shall maintain the capacity to receive and respond to complaints from the public regarding regulated child care providers. Division Staff will assess every complaint received to determine if it pertains to regulations rules set forth in the <u>these regulations</u> subchapter .
18.15		Renumbered based on addition of the new rule 18.6.	18.15 <u>18.16</u> An investigation by the Division shall be made if a complaint is received pertinent to compliance with these regulations. The Division shall notify the Licensee that a complaint is being investigated unless such information would imperil an on-going and concurrent criminal or child abuse investigation. The results of the investigation shall be reported in writing to the Licensee. If the complaint is substantiated or if any other violations are found as a result of the investigation, the Licensee shall be required to take corrective action to come into full or substantial compliance with Vermont State Law and these regulations.

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18.16		Renumbered based on addition of the new rule 18.6.	18.16 <u>18.17</u> Complaints relating specifically to laws, rules, or regulation of other governmental entities shall be referred to the appropriate entity for investigation. At the time of the referral the Division shall request a report on the investigation findings.
18.17		Renumbered based on addition of the new rule 18.6.	18.17 <u>18.18</u> A full license is issued when the Division determines that the Licensee is in full or substantial compliance with applicable provision of these regulations.
18.18		Renumbered based on addition of the new rule 18.6.	18.18 <u>18.19</u> A full license is effective for three years from the date of issuance, unless it is: <ul style="list-style-type: none"> • modified to a provisional license; • revoked; • surrendered prior to the expiration date; or • suspended.
18.19		Renumbered based on addition of the new rule 18.6.	18.19 <u>18.20</u> A provisional license may be issued when the Division determines that: <ul style="list-style-type: none"> • there is no serious risk to the health, safety and well-being of the children, and • an emergency occurs that affects a Licensee's ability to be in substantial compliance with regulations, or • the Licensee has applied for approval of a change that impacts their license, or • the Licensee has applied for a renewal and is not in substantial compliance with regulations, or • the Licensee has submitted a new application for licensure and full compliance has not been determined.
18.20		Renumbered based on addition of the new rule 18.6.	18.20 <u>18.21</u> During the provisional period the Licensee shall implement a written regulatory compliance plan that has been submitted to and approved by the Division.
18.21		Renumbered based on addition of the new rule 18.6.	18.21 <u>18.22</u> A provisional license may be replaced with a full license when the Division determines that the Licensee has come into full or substantial compliance with applicable provision of these rules in advance of the expiration date of the provisional license.
18.22		Renumbered based on addition of the new rule 18.6.	18.22 <u>18.23</u> A request to replace a provisional license and to issue a full license shall be made in writing by the Licensee. If the request is approved, a full license shall be issued.

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18.23		Renumbered based on addition of the new rule 18.6.	18.23 <u>18.24</u> If the Licensee is not able to come into full or substantial compliance with applicable provision of these rules in advance of the expiration date of the provisional license, the license expires and the Licensee shall submit a new license application and meet all requirements for the issuance of a full license in order to provide care for children from more than two families other than their own.
18.24		Renumbered based on addition of the new rule 18.6.	18.24 <u>18.25</u> An applicant shall apply for a license on forms provided and in a manner prescribed by the Division.
18.25		Updated rule references and renumbered based on addition of the new rule 18.6.	18.25 <u>18.26</u> Background Check Requirements:
18.26	18.26 – Exempt Public schools from the Asbestos’ assessment. ASP Rule 18.26 should have the same sentence as in ASP Rule 18.27. “Regulated programs housed in public schools are exempt.”	Deleted this rule and moved the requirements for asbestos assessment to rule 11.33	18.26 – Asbestos Assessment: Prior to initial licensure of an existing building, an assessment shall be performed by a person certified by the Vermont Department of Health to determine: (1) if Asbestos Containing Material (ACM) is present; and (2) if ACM is present, to ascertain the condition of such material. If abatement recommendations (repairs, enclosure, encapsulation, or removal and clean-up) are made, the applicant shall notify the Vermont Department of Health Asbestos Control Program and, if warranted, a site visit may be made by a Vermont Department of Health representative to determine the necessity of the recommendation. A copy of the assessment shall be made part of the initial application for licensure. An application may be denied on the basis of children potentially exposed to asbestos as a health hazard.
18.27	18.28 – Exempt Public Schools from the Lead statement.	Language is already in the rule. No change in language Renumbered rule based on additions and deletions of rules in this section.	18.27 <u>18.27</u> Lead Poisoning Prevention: If the facility to be licensed was constructed prior to 1978 and has not been determined to be lead free by an inspector licensed by the Vermont Department of Health, the applicant shall comply with the requirements of 18 V.S.A. §38, Childhood Lead Poisoning Prevention Law prior to licensure and shall assure that essential maintenance practices have been performed and will continue to be performed. Regulated programs housed in public schools are exempt.
18.28		Renumbered rule based on additions and deletions of rules in this section.	18.28 <u>18.28</u> Insurance Coverage: The Licensee shall carry liability insurance of a reasonable amount for its own protection and for the protection of children in care. Evidence of insurance coverage shall be provided to the Division.

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18.29		Renumbered rule based on additions and deletions of rules in this section.	18.29 18.29 Transportation insurance, if applicable, shall cover property damage, bodily injury and liability.
18.30		Corrected the grammar in this rule. Renumbered rule based on additions and deletions of rules in this section.	18.30 18.30 Upon receipt of a completed application, a Division representative shall: <ul style="list-style-type: none"> • Review the application, confer with the applicant, make inquiry and investigation and inspect the premises to determine whether the applicant has fully or substantially complied with applicable provision of these regulations; • Make a timely decision regarding issuance of a license; and- • Inform the Licensee of the decision.
18.31		Renumbered rule based on additions and deletions of rules in this section.	18.31 18.31 The Afterschool Child Care Program shall meet all applicable requirements of the Vermont Division of Fire Safety, the Vermont Department of Health, the Vermont Agency of Natural Resources and the Americans with Disabilities Act.
18.32		Renumbered rule based on additions and deletions of rules in this section.	18.32 18.32 As of the date of the application or reapplication, the Licensee shall certify that he/she is in compliance with 32 V.S.A. §3113 by being in good standing with the Department of Taxes to pay any and all taxes due to the State of Vermont, or be in full compliance with a plan approved by the Commissioner of Taxes or designee.
18.33		Renumbered rule based on additions and deletions of rules in this section.	18.33 18.33 As of the date of the application or reapplication, the Licensee shall certify that he/she is in compliance with 15 V.S.A. §795 by being in good standing to pay any and all child support due to the State of Vermont or be in full compliance with a plan approved by the Vermont Office of Child Support.
	Zoning has been a requirement in the license application portfolio for afterschool programs but I have not been able to find a licensing rule requiring this in the Afterschool rules. I think this rule should be added.	Added a new rule 18.34 to clarify the requirement for zoning and that public schools are exempt from this rule.	<u>18.34 The prospective Licensee shall meet all applicable requirements of the municipal zoning bylaws. Zoning approval for the Afterschool Child Care Program shall be properly recorded in the municipal office in which the Afterschool Child Care Program is located and a copy provided to the Division in the initial application. Regulated programs housed in public schools are exempt from this rule.</u>
		Added new rule 18.35 based on the comments throughout this section.	<u>18.35 The prospective Licensee shall ensure that the building is constructed, furnished, maintained and equipped in compliance with all applicable requirements established by Federal, State, local and municipal regulatory bodies.</u>
18.34		Renumbered rule based on additions and deletions of rules in this section.	18.34 18.36 If a license to operate is denied, the Division will notify the applicant in writing of the reason(s) for denial and set forth the applicant's rights to appeal the decision.

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18.35		Renumbered rule based on additions and deletions of rules in this section.	18.35 <u>18.37</u> For facility structures constructed before 1978, the Licensee shall file an Affidavit of Performance of Essential Maintenance Practices (EMP) with the Childhood Lead Poisoning Prevention Program in the Vermont Department of Health and with the Licensee's liability insurance carrier at least once annually. Documentation of compliance shall be supplied to the Division (regulated programs housed in public schools are exempt).
18.36		Renumbered rule based on additions and deletions of rules in this section.	18.36 <u>18.38</u> Proof of valid Liability Insurance shall be submitted annually prior to the license anniversary date.
18.37		Renumbered rule based on additions and deletions of rules in this section.	18.37 <u>18.39</u> Annual Professional Development requirements for the Afterschool Child Care Program Site Director shall be submitted annually prior to the license anniversary date (unless there is current documentation in the Bright Futures Information System).
18.38		Renumbered rule based on additions and deletions of rules in this section.	18.38 <u>18.40</u> Sixty (60) days prior to the expiration of the Afterschool Child Care Program's current license, the Division shall send the Licensee electronic notice of the requirement to apply for license renewal through the Bright Futures Information System (BFIS).
18.39	18.39 – Add prior to the first sentence: It is the responsibility of the licensee to monitor their license expiration date and to submit a renewal application in a timely and sufficient manner to maintain their license status. The insert the rest as printed in the rules.	Added the suggested language. Renumbered rule based on additions and deletions of rules in this section.	18.39 <u>18.41</u> It is <u>the responsibility of the Licensee to monitor their license expiration date and to submit a renewal application in a timely and sufficient manner to maintain their license status. It is</u> recommended that the Licensee submit an application for license renewal to the Division at least 45 calendar days before expiration of the Afterschool Child Care Program's current license to ensure that all necessary documentation and verification is completed prior to the expiration date. Applications for renewal received within 15 days of expiration may not be processed in time to assure timely and sufficient application for renewal.
18.40			18.40 <u>18.42</u> The application and all necessary documentation and verification shall be complete prior to the expiration date of the current license.
18.41		Updated the rule references. Renumbered rule based on additions and deletions of rules in this section.	18.41 <u>18.43</u> A Licensee shall apply for renewal of a license on forms provided and in a manner prescribed by the Division. Renewal application requirements shall include at a minimum: 18.41 <u>18.43</u> .a. Background Check Requirements as specified in r <u>Rules-ASP</u> 5.11 – 5.18 of these regulations. A new background check shall be completed for the Licensee and for all Staff, Substitutes, Associated Parties, and Volunteers at the time of renewal.

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			<p>18.41<u>18.43</u>.b. Annual assurances related to insurance, as specified in ASP 18.386 of these regulations.</p> <p>18.41<u>18.43</u>.c. Annual assurances related to lead poisoning prevention, as specified in ASP 18.375 of these regulations.</p> <p>18.41<u>18.43</u>.d. Annual assurances related to Staff qualifications and annual professional development as specified in rules in sSection 5 of these regulations.</p> <p>18.41<u>18.43</u>.e. Good standing in regard to payment of taxes due to the State of Vermont as specified in rule ASP-18.322 of these regulations.</p> <p>18.41<u>18.43</u>.f. ————Good standing in regard to payment of child support obligations as specified in rule ASP 18.333 of these regulations.</p>
18.42		Renumbered rule based on additions and deletions of rules in this section.	18.42 <u>18.44</u> At the time of renewal the Licensee shall demonstrate to the satisfaction of the Division that the Afterschool Child Care Program is in full or substantial compliance with these regulations.
18.43		Renumbered rule based on additions and deletions of rules in this section.	18.43 <u>18.45</u> When a Licensee makes a timely and sufficient application for renewal of a license, the existing license shall not expire until the Division makes a decision on the renewal application.
	After 18.43 the following rules need to be added so that they are consistent with other sets of regs. (Please reference final proposed rules for CBCCPP; 2.3.10.7) If the licensee does not provide sufficient application materials and documentation of compliance.... 2.3.10.8 Division Review and Response: Upon receipt of a completed application for renewal... 2.3.10.9 – If a license renewal is denied, the Division will notify the licensee in writing of the reason(s) for denial...	Added new rules 18.46 – 18.48 to address this comment.	<p><u>18.46 If the Licensee does not provide sufficient application materials and documentation of compliance prior to the expiration date of the current license, the license expires and the Licensee must submit a new license application and meet all requirements for the issuance of a full license in order to provide care for children. An Afterschool Child Care Program shall not operate when the license has expired.</u></p>
	After 18.43 the following rules need to be added so that they are consistent with other sets of regs. (Please reference final proposed rules for CBCCPP; 2.3.10.7) If the licensee does not provide sufficient application materials	Added new rules 18.46 – 18.48 to address this comment.	<p><u>18.47 Division Review and Response: Upon receipt of a completed application for renewal, a Division representative shall:</u></p> <ul style="list-style-type: none"> <u>• Review the application, confer with the Licensee, make an inquiry, investigate and may inspect the premises to determine whether the Licensee has fully or substantially complied with applicable provision of these regulations;</u>

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	and documentation of compliance.... 2.3.10.8 Division Review and Response: Upon receipt of a completed application for renewal... 2.3.10.9 – If a license renewal is denied, the Division will notify the licensee in writing of the reason(s) for denial...		<ul style="list-style-type: none"> <u>Make a timely decision regarding renewal of a license; and</u> <u>Inform the Licensee of the decision.</u>
	After 18.43 the following rules need to be added so that they are consistent with other sets of regs. (Please reference final proposed rules for CBCCPP; 2.3.10.7) If the licensee does not provide sufficient application materials and documentation of compliance.... 2.3.10.8 Division Review and Response: Upon receipt of a completed application for renewal... 2.3.10.9 – If a license renewal is denied, the Division will notify the licensee in writing of the reason(s) for denial...	Added new rules 18.46 – 18.48 to address this comment.	<u>18.48 If a license renewal is denied, the Division will notify the Licensee in writing of the reason(s) for denial and set forth the Licensee’s right to appeal the decision. The Licensee submitting a timely appeal may continue to operate under a provisional license during the appeal period as specified in the rules 18.57 - 18.66 of these regulations.</u>
18.44		Renumbered rule based on additions and deletions of rules in this section.	18.44 <u>18.49</u> The license shall contain and display the following: <ul style="list-style-type: none"> • status of the license: annual or provisional; • effective date of the license; • expiration date of the license; • the maximum number and ages of children who may be served at one time; and • the applicable type of regulated service for which authorization to operate has been granted; and- • the terms and/or conditions to the approval of a license required by the Division when circumstances warrant. Such terms and/or conditions shall be displayed on the posted license.
18.45		Renumbered rule based on additions and deletions of rules in this section.	18.45 <u>18.50</u> The Licensee shall be responsible for compliance with these regulations and shall operate the Afterschool Child Care Program at all times within the terms and conditions of the license.

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18.46		Renumbered rule based on additions and deletions of rules in this section.	18.46 <u>18.51</u> The Licensee shall not represent or give the impression that the Afterschool Child Care Program and its services are other than as defined by the license certificate and the limitations of these regulations.
18.47	18.47.a. – add at the end of this rule...spaces of the Afterschool Child Care Program; including the physical relocation;	<p>Did not add language about the physical relocation because this would require a new license application.</p> <p>Corrected grammar in the rule.</p> <p>Renumbered rule based on additions and deletions of rules in this section.</p>	<p>18.47<u>18.52</u> The Licensee shall notify the Division prior to any of the following planned changes. The Division shall determine whether to modify a current license or to require the Licensee to submit an application for a new license.</p> <p>18.47<u>18.52</u>.a. A planned reduction, addition or substantial change in the indoor or outdoor spaces of the Afterschool Child Care Program;</p> <p>18.47<u>18.52</u>.b. A change in the name of the Afterschool Child Care Program;</p> <p>18.47<u>18.52</u>.c. A change in the application type of regulated service authorized in these rules;<u>or</u></p> <p>18.47<u>18.52</u>.d. A change in licensed capacity.</p>
18.48		Renumbered rule based on additions and deletions of rules in this section.	18.48 <u>18.53</u> If the Division determines health, safety or well-being of children in care is in serious or imminent danger, the Division may immediately suspend the license upon issuance of a written suspension order. The order shall state the reason(s) for the suspension. Within 10 working days of the issuance of the suspension order, the Commissioner or designee shall hold an informal hearing with the Licensee or the Licensee’s representative.
18.49		Renumbered rule based on additions and deletions of rules in this section.	<p>18.49<u>18.54</u> The Division may deny or revoke the license of an Afterschool Child Care Program for good cause, including but not limited to the following:</p> <p>18.49<u>18.54</u>.a. failure to comply with applicable provisions of Vermont State Law or these regulations;</p> <p>18.49<u>18.54</u>.b. violation of the terms or condition of its license;</p> <p>18.49<u>18.54</u>.c. fraud or misrepresentation in obtaining a license or in the subsequent operation of the Afterschool Child Care Program;</p> <p>18.49<u>18.54</u>.d. refusal to furnish the Division with files, reports or records as required;</p> <p>18.49<u>18.54</u>.e. refusal to permit an authorized representative of the Division to gain admission to the Afterschool Child Care Program during operation hours;</p> <p>18.49<u>18.54</u>.f. any activity, policy, practice or Staff conduct that puts the health, safety or well-being of children in care in serious or imminent</p>

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			danger and is deemed by the Division to be detrimental to the education, health, safety or well-being of children; or 18.49 <u>18.54</u> .g. conduct that demonstrates a pattern of unwillingness or inability to consistently comply with regulations.
18.50		Renumbered rule based on additions and deletions of rules in this section.	18.50 <u>18.55</u> The Division shall notify the parent(s) of enrolled children of its actions or proposed actions in the event that the license has been suspended or is the subject of intended revocation.
18.51		Renumbered rule based on additions and deletions of rules in this section.	18.51 <u>18.56</u> If the Division takes any of the following actions or intended actions: <ul style="list-style-type: none"> • revokes a full or provisional license to operate; • denies the approval of a provisional license; • denies approval of a full license; • cites a violation of regulations in a site visit report; • denies a request for a variance; or • suspends a full or provisional license to operate, the Division shall notify the Licensee in writing with appropriate notice, including the factual evidence the Division believes warrants the action or intended action and specify the Licensee's right to appeal the decision and request a hearing.
18.52		Renumbered rule based on additions and deletions of rules in this section.	18.52 <u>18.57</u> If the Licensee is aggrieved by the action or intended action, they may indicate in writing within (30) thirty days from the date of the Division's written notice to the Division through the Bright Futures Information System (BFIS) or in a letter posted to the Division's mailing address that they wish to challenge the action or intended action. Appeals may be made either through a Commissioner's Review hearing or directly to the Human Services Board. Decisions resulting from the Commissioner's Review hearing are subject to further appeal to the Human Services Board. In the written notice of appeal, Licensees shall indicate whether they are requesting a Commissioner's Review hearing or appeal directly to the Human Services Board. If the Licensee requests an appeal directly to the Human Services Board, the Division shall notify the Human Services Board of the Licensee's request.
18.53		Renumbered rule based on additions and deletions of rules in this section.	18.53 <u>18.58</u> If a written request for a Commissioner's Review hearing is received by the Division within (30) thirty days of the date of the notice of action or intended action, the Division shall ensure that a Commissioner's Review hearing is conducted within 30 days from the date of the written request.

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18.54		Renumbered rule based on additions and deletions of rules in this section.	18.54 <u>18.59</u> A designee of the Commissioner who has had no previous involvement in the matter prompting the appeal shall conduct the Commissioner's Review.
18.55		Renumbered rule based on additions and deletions of rules in this section.	18.55 <u>18.60</u> The Commissioner's designee shall provide the Licensee an opportunity to be heard with regard to the action or intended action. The Licensee may submit a written response to the Division's notice or may present his/her position in person to the Commissioner's designee at the Department or through an attorney or other representative designated in writing by the Licensee. The Licensee may provide witnesses, documents or other evidence in their behalf.
18.56		Renumbered rule based on additions and deletions of rules in this section.	18.56 <u>18.61</u> The Commissioner's designee shall also review the factual evidence provided by the Licensing Unit of the Division and interview Licensing Unit Staff. They may interview any witnesses with information relevant to the facts of the matter, including program Staff and parents, in the course of the review.
18.57		Renumbered rule based on additions and deletions of rules in this section.	18.57 <u>18.62</u> The Division shall notify the Licensee in writing of the final decision of the Department as a result of Commissioner's Review and of the reasons for upholding or overturning the action or intended action.
18.58		Renumbered rule based on additions and deletions of rules in this section.	18.58 <u>18.63</u> If the Licensee does not agree with the findings of the Commissioner's Review, they may continue their appeal and exercise their right to a fair hearing before the Human Services Board. If they wish to continue their appeal they shall notify the Human Services Board within (30) thirty days from the date of the letter communicating the findings of the Commissioner's Review.
18.59		Renumbered rule based on additions and deletions of rules in this section.	18.59 <u>18.64</u> If a Licensee requests an appeal in a timely manner, the existing license shall remain in effect until an official written decision has been rendered by the Department in the case of a Commissioner's Review or by the Human Services Board if the Licensee continues the appeal to the Board. However, the Division shall have the authority to suspend the license immediately whenever it believes the health, safety, or well-being of children in care is in serious or imminent danger.
18.60		Renumbered rule based on additions and deletions of rules in this section.	18.60 <u>18.65</u> If a Licensee does not make a timely request for an appeal, the action to deny or revoke the license shall take effect 30 days after the issuance of the original notice.

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18.61		Renumbered rule based on additions and deletions of rules in this section.	18.61 <u>18.66</u> The Commissioner, or designee, upon request in an individual case and at his or her discretion may grant a variance to a regulation. A variance may be granted when, in unique and exceptional circumstances, a literal application of a regulation will result in unnecessary hardship for the Licensee or for a child and family in care, and the intent of the regulation can be achieved through other means.
18.62		Renumbered rule based on additions and deletions of rules in this section.	18.62 <u>18.67</u> The Licensee shall apply to the Division for a variance in writing prior to putting any activity, policy, or practice into effect that is contrary to full or substantial compliance with these regulations. The Licensee shall identify: the particular regulation(s) they seek to vary; the specifics of the request in relation to specific time frames or individual children or Staff; the specific hardship created by literal application; and the plan for how the intent of the regulation will be achieved and maintained.
18.63		Renumbered rule based on additions and deletions of rules in this section.	18.63 <u>18.68</u> Upon receipt of a completed request for a variance, the Commissioner's designee shall: review the request, confer with the Licensee, make inquiry and investigation and may authorize an inspection of the program and/or premises to determine whether the submitted plan will achieve the intent of the regulation; make a timely decision regarding the request; inform the Licensee of the decision.
18.64		Renumbered rule based on additions and deletions of rules in this section.	18.64 <u>18.69</u> The decision of the Commissioner or his or her designee shall be in writing and shall state the reasons for the decision, and shall be a public record.
	Need a new rule right after 18.64. It should read: In the event that the licensee does not maintain the approved plan for the intent of the regulation as specified in the rule 18.62 and 18.63 of these regulations, the Division may deem the variance null and void.	Added a new rule 18.70 based on the suggestion.	<u>18.70 In the event that the Licensee does not maintain the approved plan for the intent of the regulation as specified in the rule 18.67 and 18.68 of these regulations, the Division may deem the variance null and void.</u>
	18.65 – Needs to be changed to: The licensee shall post site visit reports, notices of violations, or notices of regulatory action for no fewer than fifteen (15) days following receipt by the Afterschool Child Care Program in a place where the information is clearly visible to parents.	Added a new rule 18.71 based on the suggestion.	<u>18.71 The Licensee shall post site visit reports, notices of violations, or notices of regulatory action for no fewer than fifteen (15) days following receipt by the Afterschool Child Care Program in a place where the information is clearly visible to parents.</u>

Rule #	Public Comment	Response	Final Rule
18.65		Revised language based on comment for rule 18.66	18.65 <u>18.72</u> When the Division requires parental notification due to a serious violation, the <u>Division representative shall inform the Licensee of this requirement in writing, including reasons and factual basis for the violation and its designation as a serious violation. The Licensee shall mail the Parental Notification Letter (PNL) to the parent of each enrolled child. When the child's parents are separated or divorced a copy shall be mailed to each parent if both are known to the Licensee. Serious violations are defined by law and in the rule 2.44 of these regulations as violations of group size or staffing requirements, or violations that immediately imperil the health, safety or well-being of children. Serious violations may also include corporal punishment, lack of supervision, or inappropriate physical or sexual contact.</u> shall mail the Parental Notice of Violation to the parent of each enrolled child. When the child's parents are separated or divorced a copy shall be mailed to each parent if both are known to the Licensee.
18.66	18.66 – Delete this is a duplication of rule 18.5. Insert – When the Division requires parental notification due to a serious violation, the Division representative shall inform the licensee of this requirement in writing, including reasons and factual basis for the violation and its designation as a serious violation. The Licensee shall mail the Parental Notice of Violation to the parent of each enrolled child. When the child's parents are separated or divorced copy shall be mailed to each parent if both are known to the licensee. Serious violations are defined by law.....(same as in the other regulations.)	This rule is not a duplication. No change in language. Renumbered rule based on additions and deletions of rules in this section.	18.66 <u>18.73</u> Upon request, the Licensee shall provide the Division with a list of names, addresses and telephone numbers of families served during the prior twelve months and dates and hours of attendance for each child served. The Division may contact the Licensee by telephone or in writing to inform the Licensee of the request.
		Renumbered rule based on additions and deletions of rules in this section.	18.67 <u>18.74</u> Public posting of violations shall remain on the Bright Futures Information System (BFIS) website for a minimum of five years. If there are no repeat violations of a particular regulation, the Afterschool Child Care Program may request the Division remove the violation from public view on the BFIS public portal.
	1. Insert the requirement that BFIS be used by ASP like it is going to be required to be used by CBCCPP and FCCH programs. Bright	Added rules about BFIS to provide clarity and	<u>Bright Futures Information System (BFIS)</u>

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	<p>Futures Information System (BFIS) 3.4.7.1 The licensee shall provide written reports as required in the rules in section 3.2 of these regulations electronically using BFIS. 3.4.7.2 The Division shall provide licensing notifications, documents and information to the licensee electronically utilizing BFIS. 3.4.7.3 Within six (6) months of the initial date of employment, staff working with children and the program director shall maintain an up-to-date BFIS Quality and Credential Account. Documentation, verification of qualifications and all annual professional development activities as specified in the rules in sections 7.3 and 7.4 of these regulations shall be submitted to NLCDC to be verified and maintained in BFIS. 3.4.7.4 The licensee shall provide up-to-date program information in the program's BFIS account. 3.4.7.5 The licensee shall maintain a current list of the licensee or designee, staff, auxiliary staff, volunteers as in the rules in section 7.7.5 of these regulations, as applicable in BFIS. Any changes shall be reported through BFIS within five (5) working days of the change.</p>	consistency across regulations.	<u>18.75 The Licensee shall provide written reports as required in rule 4.9 of these regulations electronically using BFIS.</u>
		Added rules about BFIS to provide clarity and consistency across regulations.	<u>18.76 The Division shall provide licensing notifications, documents and information to the Licensee electronically utilizing BFIS.</u>
		Added rules about BFIS to provide clarity and consistency across regulations.	<u>18.77 Within six months of the initial date of employment, Staff working with children and the Site Director and/or Program Administrator shall maintain an up-to-date BFIS Quality and Credential Account. Documentation, verification of qualifications and all annual professional</u>

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			<u>development activities as specified in the rules in Section 5 of these regulations shall be submitted to NLCDC to be verified and maintained in BFIS.</u>
		Added rules about BFIS to provide clarity and consistency across regulations.	<u>18.78 The Licensee shall provide up-to-date program information in the program’s BFIS account.</u>
		Added rules about BFIS to provide clarity and consistency across regulations.	<u>18.79 The Licensee shall maintain a current list of the Licensee or Designee, Staff, and Volunteers, as applicable in BFIS. Any changes shall be reported through BFIS within five working days of the change.</u>
Appendix A	Could a header be placed at the top of each page to help with reference?	A header has be added to Appendix A on every page.	
Appendix B	Error on Snack Food Components – Should be 1 fruits/vegetables/juice	Deleted this appendix.	
Appendix C		Appendix C became Appendix B	APPENDIX BC
Appendix D	This needs to be revamped. It’s unclear who is supposed to sign the top line where it starts: I, _____. I’m under the impression that a Notary is only signing that they witnessed someone else sign an original document. This makes it sound like the Notary is the one reviewing the files for completion. If a person’s name is added to this document and they are new to employment they may not have their CPR certification yet, which means that the affidavit can not be used for that individual. Also, when lines are left blank and a new staff person arrives, a director could easily add another person’s name to the document, even though it wasn’t there at the time of the	Delete the appendix – a sample will be provided on the division’s website.	

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	<p>notary’s signature. It indicates that you are signing off that the CPR cards are included, yet we give them 6 months to obtain it, so this means that you wouldn't be able to use this for any new employees if they didn't have the CPR and First Aid yet. Forces a program to have two processes.</p> <p>Needs to match 5.22</p> <p>ASP Appendix D is not in alignment with ASP Rule 5.16. It doesn’t include the requirement of a current and dated IPDP, number 3 in Appendix D has a second half of the sentence that doesn’t belong in the appendix (“...and is current regarding professional development annual requirements for their position.”), number 5 is an inaccurate statement as new staff have 6 months to complete first aid training. Also, the document doesn’t clear identify the difference between the person’s name and title authorized to take the notarized oath as compared to the name and identifying information of the notary validating the notarized statement.</p> <p>Add: list of the orientation training topics completed and the date completed (see 5.31)</p>		
General Comments	<p>I would make the cover a different color to help differentiate between the two versions...either a lighter or darker shade of blue.</p>	<p>The color will remain the same – one will take the place of the other.</p>	

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	I think referring to numbers and dates should be documented the same way throughout the regulation. For example, in some places it may say “30 days” and in other places it may say “thirty (30) days.” I think this should be uniform throughout the document.	Updated references.	